

**2004-2006
MONTANA
ENVIRONMENTAL PERFORMANCE
PARTNERSHIP AGREEMENT**

Between

**THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

and

**THE U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VIII**

July 1, 2003

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APPROVALS

By signing this agreement, the Montana Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) jointly agree to amend the national environmental performance partnership system beginning July 1, 2003. The EPA commits funding to DEQ in amounts specified in fiscal applications submitted under the terms of the state's environmental Performance Partnership Grant (PPG). In return, the DEQ will expend the federal resources to carry out the environmental programs. EPA and DEQ also agree to carry out their roles and work as defined in the agreement.

U.S. Environmental Protection Agency, Region VIII

[Signed]

Robert E. Roberts
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CHAPTER 1 INTRODUCTION, ROLES OF THE EPA AND DEQ

1.1 BACKGROUND

This Montana Environmental Performance Partnership Agreement (PPA) is an agreement which identifies and explains the key environmental priorities and goals in the State of Montana and the working relationship between the Montana Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency (EPA). The 2004-2006 PPA establishes agreements to achieve the goals of the National Environmental Performance Partnership System (NEPPS). The NEPPS provides a framework for delineation of state and EPA roles in carrying out environmental laws in each state. It allows Montana to identify key state priorities, to allocate federal resources to the highest state priorities and to have more flexibility in finding ways to achieve mutually agreed upon goals. EPA seeks to work jointly with the state to find the most effective way to achieve national standards and goals, while meeting state environmental priorities.

This amended PPA encompasses an agreement for State Fiscal Years 2004-2006 (SFY 2004-2006). The PPA will be reviewed annually and new commitments may be negotiated under the established structure. In any area where new priorities arise, new goals and objectives will be developed, negotiated and added to the PPA as amendments.

1.2 PURPOSE

The PPA serves several purposes. First, it defines the roles of and the relationship between the EPA and the environmental programs of the DEQ. Second, it identifies the major environmental problems in Montana, describes the priority goals, objectives and key initiatives to address the problems and establishes the means to evaluate progress. Third, it is the vehicle which defines Montana's set of program commitments for which federal resources are made available to the DEQ to manage selected environmental programs. As such, it constitutes the full program plan for the environmental Performance Partnership Grant (PPG) to the department and will be used to evaluate the success of the PPG.

1.3 SCOPE

This PPA generally addresses the environmental programs within the DEQ with emphasis on those that receive funding from EPA. The agreement delineates those programs and activities that are grant commitments.

This PPA describes the work commitments to be completed during the project period 2004-2006, but does not supersede the existing Memorandums of Agreement (MOAs), delegations and enforcement agreements. Also, the DEQ will maintain negotiated core programs, as required by federal and state statutes and rules, and as reflected in program authorizations and other formal agreements (e.g. MOAs, Enforcement Agreements).

To provide a comprehensive description of the environmental efforts throughout the state, the PPA also includes EPA's efforts to support the state's environmental programs and to carry out its own federal responsibilities. In some instances, EPA works with other state agencies in Montana to carry out its activities. The DEQ will coordinate with both EPA and other state agencies to address environmental problems. The department will also continue to work with its partners in city and county agencies to carry out its environmental mission.

1.4 RELATIONSHIP OF THE EPA AND DEQ

There is a long-standing relationship between EPA and DEQ to protect the environment in Montana. The federal system of government, as implemented in a series of environmental statutes, delineates specific roles for federal and state agencies in the development and implementation of programs for environmental protection. Different statutes provide different roles. For example, some programs established by federal legislation may be delegated to state agencies with requisite authority, resources, and capability. Other programs cannot be delegated under federal law, such as the federal Superfund program. Other environmental programs or initiatives have been developed at the state level independently of federal authorities. In addition, there are other initiatives that both agencies agree result in increased environmental protection in an efficient and cost effective manner. Often, the state and EPA play a significant role in these efforts and work to coordinate their approach in the state.

1.5 ENVIRONMENTAL PROTECTION AGENCY ROLE

Under most of the programs covered by this PPA, Congress gave EPA the initial responsibility for development and implementation. Many of these statutes also contain Congressional preference for delegation of the program to the states when states demonstrate capacity to carry them out. The federal resources for program development and management are given to EPA annually by Congress. EPA has developed various mechanisms for implementation of the programs in partnership with the states. Given the evolving nature of this partnership, there will continue to be coordinated planning and priority setting between EPA and the state. These joint activities will occur as part of the development of future partnership agreements and on a more long-term, strategic basis, as needed.

FEDERAL-ONLY ACTIVITY - In some cases, implementation of environmental programs is primarily a federal role, such as for non-delegated programs, Indian Country issues, and interstate problems. Even so, many of those activities require support and activity by the state. One example is the Emergency Planning and Community Right-to-Know Act (EPCRA) program which is directly implemented by EPA, but relies heavily on state information and data.

DEVELOPMENT OF NATIONAL PROGRAM STRUCTURE AND STANDARDS - EPA is responsible, through its statutory management and rule-making authority, for determining the federal management structure for the program and minimum national standards. For many environmental programs, national standards have been set for the country. EPA's role is to assure that the efforts of all states are used to achieve baseline environmental quality throughout the country and, hence, to require that states adhere to a minimum set of national environmental standards. In addition, EPA facilitates resolution of interstate issues. Federal activity is geared to monitor consistency, national trends, and federal initiatives when standards are not met.

RESEARCH AND DEVELOPMENT - Often, the standards and guidance which are developed by EPA are the result of research and development which it has undertaken and funded. Development and testing of innovative technologies and similar initiatives are valuable components of many environmental programs.

ASSISTANCE TO THE STATE - Due to its national experience, EPA is often able to provide technical assistance which may not be available to a particular state program. For example, EPA assists in building state capability to implement Federal environmental programs by providing statements of policy and guidance, and delivering assistance and training on new regulations and national priorities.

Additionally, EPA will assist the state when requested, by providing technical information from other states, reviewing proposed engineering treatment processes, researching data, conducting risk assessments, and facilitating peer review and peer matching. For EPA activities that will not require a major commitment of federal resources, EPA personnel will be available on an ongoing basis. For activities that will require a major commitment of EPA resources, EPA's role is described in the program-specific tables and work plans.

ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE - EPA performs essential enforcement and compliance assurance functions in order to assure the protection of public health and the environment, and to assure that polluters do not gain a competitive advantage over those regulated entities that comply with federal environmental regulations. The core EPA functions include setting national priorities, monitoring compliance on a national basis, assuring national consistency in the implementation and enforcement of federal environmental requirements, taking enforcement actions against regulated entities with significant noncompliance at facilities in several states, or against sources where releases to the environment threaten the health or environment of another state or country, or where states do not address particular violations, offering incentives for violators to come into and remain in compliance, conducting compliance assistance for high-priority sectors and federally-implemented programs, and evaluating state performance.

For national programs that are not delegated to the state and for new regulations and policies, EPA will perform compliance assurance activities such as the development of compliance assistance materials and services tailored to promote compliance within high priority sectors, address compliance problems in federally implemented programs, and publicize and explain new regulatory requirements. In delegated programs, such materials and services should be delivered by the state.

EPA will promote environmental compliance and pollution prevention in the federal sector through enforcement, technical and compliance assistance activities. Careful administration of compliance assistance, pollution prevention, and enforcement will be directed toward the overall goal of achieving increased compliance and reducing risk in all priority areas.

EPA is committed to implement Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," by focusing federal attention on the environmental and human health conditions in these communities, according to EPA's national guidance. The Office of Environmental Justice has worked with all parts of EPA, through a network of environmental justice coordinators, to integrate environmental justice in all programs, and within EPA's Office of Enforcement and Compliance Assurance to ensure that enforcement and compliance assurance address environmental justice concerns and that these activities are coordinated to more effectively address the needs of impacted communities. To ensure that the goals of environmental justice are accomplished, the national guidance says EPA's regional enforcement and compliance personnel should incorporate environmental justice concerns into ongoing enforcement/compliance activities. In particular they should ensure that:

- 1) The public has access to compliance and enforcement documents and data, particularly to high risk communities, through multimedia data integration projects and other studies, analyses and communication/outreach activities;
- 2) EPA's policies, programs and activities, including public meetings, address minority and low income community issues so that no segment of the population suffers

disproportionately from adverse health or environmental effects, and that all people live in clean, healthy and sustainable communities, consistent with Executive Order 12898;

- 3) Noncompliance is deterred and environmental and human health improvements are achieved by maintaining a strong, timely and active enforcement presence;
- 4) Enforcement actions are directed to maximize compliance and address environmental and human health problems in communities of low income and minority populations, and
- 5) When possible, enforcement actions in or near environmental justice communities require environmental or human health improvements, such as pollutant reductions and/or physical or management process changes.

The DEQ supports EPA's environmental justice efforts. The DEQ will, to the best of its ability and based on the availability of financial and personnel resources, work with EPA to meet its goals.

Environmental Justice training is available. The DEQ will notify its employees of the training and encourage them to attend.

RESOURCES - In addition to the programmatic and technical assistance provided, many of the programs covered by this PPA are partially funded by federal grants administered by EPA. EPA is fiscally responsible to Congress for the expenditure of these resources consistent with federal law and the respective grant agreements.

SPECIAL PROJECTS/INITIATIVES - The president, the administrator of EPA, or the regional administrator may identify particular initiatives or projects which are a high priority for the Agency. EPA works with state agencies and others to implement projects or initiatives that the state is interested in pursuing.

CROSS-CUTTING INITIATIVES - EPA Region VIII will be working with EPA Headquarters, the state, and local communities in several cross-cutting areas. EPA has identified a number of cross-cutting areas within its strategic themes. These themes include ecosystem protection, pollution prevention, reinventing environmental management, environmental justice, environmental accountability, partnerships and strong science and data. Cross-cutting activities found within these themes include community-based environmental protection, industrial sectors compliance activities, integrated environmental data systems and funding to achieve equitable environmental results.

VERIFICATION OF STATE PERFORMANCE (OVERSIGHT) - EPA works jointly with the state to set forth the procedures for mid-year and end-of-year reviews, grant reporting requirements, and other assessments. Through the assessment process, EPA works with the state to evaluate accomplishments, discuss progress, make adjustments to meet commitments in the current PPA and plan for future efforts. EPA is ultimately responsible for assuring that grant requirements, including program commitments, have been met.

In cases where EPA delegates implementation of environmental programs to a state, it must also ensure that the state meets the requirements of the delegation. This distinct oversight role is necessary for EPA to carry out its unique federal responsibilities as reflected in the items above. As such, EPA will review the state's performance and evaluate it against national environmental statutes and regulations and pertinent fiscal/grant requirements.

In instances of effective state performance, EPA's oversight role is lessened. In instances of less than satisfactory performance, EPA's oversight role increases, and EPA works with the state to improve performance. In both scenarios, EPA must assure compliance with environmental laws and determine its level of activity accordingly.

EPA recognizes that there are certain functions - like monitoring, permitting, inspecting, technical assistance, enforcement, etc. - that form the core of our shared work. However, there are special emphasis areas that represent either an outgrowth of our core work, or a focusing of attention on a particular segment of these core programs. It is because of our ability to perform our core activities that EPA has chosen to select certain areas for emphasis in the upcoming year.

1. Agriculture.
 - a. Continue to develop partnerships with the agricultural community
 - b. Address animal feed operations and confined animal feed operations
 - c. Continue to address non-point sources of pollution
2. Brownfields/Recycling Old (Superfund) Sites/Voluntary Cleanup
3. Clean Water Act Implementation
 - a. Watershed restoration strategies
 - b. Total Maximum Daily Loads
 - c. Water quality standards
 - d. Stormwater
4. Direct Implementation
 - a. Where EPA has primacy
 - b. Including Indian Country
5. Energy
 - a. Coal Bed Methane
 - b. Air/power plants/refineries
 - c. Pollution Prevention efficiencies
 - d. Clear Skies: An EPA legislative initiative
 - e. Energy transmission
6. Homeland Security
 - a. Coordination, training, preparedness, communications, prevention, and response
7. Mining Issues
8. Safe Drinking Water Requirements
 - a. Implement new requirements, while ensuring compliance with existing ones
9. Environmental Information Integration
 - a. New exchange network grant programs
 - b. National Environmental Information Exchange Network Activities
 - c. Accountability
 - d. Performance based management

- e. Outcome results

1.6 MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY'S ROLE

For the majority of programs covered by this PPA, the state has the role of primary implementing agency. Some of the roles described above have parallels at the state level.

DEVELOPMENT OF STATE PROGRAM STRUCTURE AND STANDARDS - Montana is responsible through its statutory and regulatory authority to determine the state management structure for the program. In addition, the state adopts its standards through its Administrative Procedures Act and requirements of implementing statutes. The Board of Environmental Review (BER) does this in most cases.

RESEARCH AND DEVELOPMENT - The state may also conduct or fund research and development efforts relevant to its environmental programs. This occurs on a limited basis, however, due to resource constraints.

PROGRAMMATIC AND TECHNICAL ASSISTANCE - Due to the maturity of many of the programs described in this PPA, the state sometimes provides programmatic and technical assistance to EPA. This is often done through agreements under which the state undertakes lead responsibility for particular projects or activities for which EPA is primarily responsible.

RESOURCES - The state commits its own financial resources to nearly all of the programs and activities described in this PPA.

SPECIAL PROJECTS/INITIATIVES - The DEQ may also undertake particular initiatives or projects which are a high priority for the state. The state works with EPA and others to implement those projects or initiatives.

ADDRESS ENFORCEMENT "WATCH LISTS" WITH EPA: - DEQ commits to: 1) Review watch lists; 2) Discuss unaddressed facilities with EPA, since DEQ may have its own priorities; and 3) Coordinate with the Region on a plan to address them, which may include work sharing.

MAINTAIN NATIONAL DATABASES - DEQ commits to properly entering data into regional and national data systems.

ENFORCEMENT PERFORMANCE MEASURES AGREED TO BY EPA and ECOS – DEQ agrees to adopt the following performance measures agreed to by EPA and ECOS:

- a) Rates of significant noncompliance for selected regulated populations. Montana will continue to provide facility-specific compliance information through automated data systems.
- b) Percentage of significant non-compliers (SNCs) that have been returned to compliance or otherwise addressed. The State will continue to provide facility-specific compliance information through automated data systems.
- c) Total number of inspections conducted at major facilities, and the percent of total universe of regulated sources inspected in negotiated priority areas (e.g., industry sectors, geographic areas). The State will continue to report facility-specific data through automated data systems

and will negotiate means for reporting information on inspections of facilities not covered by current data systems.

d) Enforcement actions (e.g., case referrals, orders, notices) taken by media. The State will continue to provide facility-specific compliance information through automated data systems.

1.7 REPORTING

Except where otherwise specified in the individual program work plans, DEQ will provide an end-of-year performance report for the funded activities listed in Chapter 2 and the carry-over funding activities listed in Chapter 3. The report will be filed in accordance with the due dates and content requirements of 40 CFR §.31.40 (b). The report is due 90 days from the end of each State Fiscal Year (SFY) or by October 1 of 2004, 2005 and 2006. The results of the report may be used to negotiate modifications to the Agreement at the mid-year review or annually. DEQ will send the PPA end-of-year report to:

Montana State Program Manager
U.S. EPA, Region 8 Montana Office
Federal Office Building
10 West 15th Street, Suite 3200
Helena, MT 59626

CHAPTER 2 DESCRIPTION OF ENVIRONMENTAL PROGRAMS

2.1 AIR QUALITY PERMITTING AND COMPLIANCE

The air quality program in the DEQ's Air and Waste Management Bureau (AWMB), Permitting and Compliance Division, consists of the Air Permitting Section, the Air Compliance Section, and the Technical Support Section. Activities funded under the PPG consist exclusively of the National Emission Standard for Hazardous Air Pollutants (NESHAP) portion of the Asbestos Program contained in the Air Compliance Section.

AIR PERMITTING SECTION

PROGRAM FUNCTION: To administer the Clean Air Act (75-2-101, MCA) by

- < Issuing timely and complete permits for sources to provide appropriate protection of public health through compliance with applicable requirements of the Act.
- < Ensuring appropriate public involvement through compliance with the Montana Environmental Policy Act (MEPA) and other public notice and public participation statutes.
- < Working with agencies and companies that open burn forestry slash to assure that the burning is done in a manner that protects the ambient air standards.
- < Assisting permit applicants so that they can understand the regulations and maintain regulatory compliance.

PROGRAM OVERVIEW: The Air Permitting Section's goals are to achieve and maintain levels of air quality that will protect public health and preserve the environment in Montana. These goals are achieved, in part, through the issuance and maintenance of permits. The permits are the tools used to identify and implement the applicable portions of the State of Montana Air Quality Rules (ARM 17.8.101 et seq). Three basic types of permits may be issued: preconstruction permits, operating permits, and open burning permits. The section also regulates open burning during the fall by participation in the Smoke Management Program.

AIR COMPLIANCE SECTION

PROGRAM FUNCTION: To administer the Clean Air Act (75-2-101, MCA) by:

- < Conducting activities to assess source compliance with applicable air quality requirements. These activities include compliance inspections, evaluation of compliance reports, complaint response and investigation and compliance assistance.
- < Conducting activities to assess source compliance with applicable asbestos abatement requirements. Asbestos program activities include abatement project permitting, worker accreditations, and training course provider accreditation.

PROGRAM OVERVIEW: The Air Compliance Section has compliance responsibilities for approximately 420 permitted facilities. The Asbestos Program implements the federal NESHAPS requirements.

TECHNICAL SUPPORT SECTION

PROGRAM FUNCTION: To administer the Clean Air Act (75-2-101 et seq, MCA) by:

- < Utilizing data management functions to provide information both internally and externally for program planning and appraisal.

- < Ensuring compliance with state and federal fiscal management requirements through fiscal tracking and planning.
- < Conducting program development and rule making activities necessary to meet statutory requirements and acquire and maintain delegation of federal environmental programs.

PROGRAM OVERVIEW: The Technical Support Section assists other sections within the AWMB in program implementation by providing necessary program development and support activities.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators (Where a performance indicator is tracked using an existing federal database, the database is indicated in parentheses.)
1. Reduce human health effects from exposure to criteria air pollutants.	1.1 Continue to implement a New Source Review (NSR) permit program in accordance with Prevention of Significant Deterioration (PSD) and non-attainment area permitting requirements and the Administrative Rules of Montana (ARM).	<p>1.1.1 Issue timely and complete permits for sources to provide appropriate protection of public health through compliance with applicable requirements of the Clean Air Act.</p> <p>1.1.2 Ensure appropriate public involvement through compliance with MEPA and other public notice and public participation statutes.</p> <p>1.1.3 Assist permit applicants to improve their understanding of applicable regulations and maintain regulatory compliance.</p> <p>1.1.4 The DEQ and EPA will continue to improve communication in permitting and regulatory SIP revision efforts.</p> <p>1.1.5 The Department will review EPA's recommendations in the final NSR/TV program review report and implement the recommendations that both the DEQ and the EPA agree upon.</p>	<p>1.1.1.1 Provide EPA with copies of proposed and final major source NSR/PSD permits and technical review analyses in a timely manner upon request. EPA must provide comments on department permitting actions in a timely manner, considering the time frames Montana has established for review of permit actions.</p> <p>1.1.1.2 Develop a rulemaking proposal to submit to the Board of Environmental Review to conform Montana's New Source Review (NSR) rules to requirements of the Federal NSR Reform Rules in order to submit the required SIP revision by the 1/2/2006 deadline.</p>
	1.2 Continue to implement an Operating Permit program in accordance with Title V operating permit requirements and the ARM.	<p>1.2.1 Issue timely and complete permits and permit renewals for sources to provide appropriate protection of public health through compliance with applicable requirements of the Clean Air Act.</p> <p>1.2.2 Ensure appropriate public involvement through compliance with MEPA and other public notice and public participation statutes.</p> <p>1.2.3 Assist permit applicants to improve their understanding of applicable regulations and maintain regulatory compliance.</p> <p>1.2.4 The DEQ and EPA will continue to improve communication in permitting and regulatory SIP revision efforts.</p> <p>1.2.5 The Department will review EPA's recommendations in the final NSR/TV program review report and implement the recommendations that both the DEQ and the EPA agree upon.</p>	1.2.1.1 Provide EPA with copies of proposed permits and technical review analyses at the start of the public comment period and copies of final permits when issued.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators (Where a performance indicator is tracked using an existing federal database, the database is indicated in parentheses.)
	1.3 Monitor compliance with National Ambient Air Quality Standards and Montana State Implementation Plan (SIP), permits and other applicable requirements through development and implementation of the Compliance Monitoring Strategy (CMS).	1.3.1 Conduct activities to assess source compliance with applicable air quality requirements, including compliance inspections, evaluation of compliance reports, complaint response and investigation and compliance assistance.	1.3.1.1 Conduct full and partial compliance evaluations and investigations in accordance with the CMS. 1.3.1.2 Report minimum CMS data requirements. (AIRS Facility Subsystem [AFS]) EPA will provide clarification and guidance to clearly define the minimum data requirements and how they are input into AFS. 1.3.1.3 The DEQ will develop a 2002 major point source air emission inventory and submit it to EPA's National Emission Inventory Database by June 1, 2004 as required in the Consolidated Emission Reporting Rule (40 CFR 51 Subpart A [51.1 through 51.45 including Appendixes A and B]).
2 Reduce human health effects from exposure to hazardous air pollutants (HAPS).	2.1 Reduce the public's exposure to HAPS through operation of the Air Toxics Program in accordance with Titles III & V of the Clean Air Act, 40 CFR Parts 61 & 63 and the ARM.	2.1.1 Include applicable Maximum Achievable Control Technologies (MACT) requirements in Title V permits. 2.1.2 Conduct activities to assess source compliance with applicable air quality requirements including compliance inspections, evaluation of compliance reports, complaint response and investigation and compliance assistance.	
3 Reduce public health and environmental impacts of Acid Rain.	3.1 Implement Acid Rain Program activities in accordance with Title IV of the Clean Air Act and the Administrative Rules of Montana.	3.1.1 Include applicable requirements for sources subject to Acid Rain rules in Title V permits. 3.1.2 Conduct activities to assess source compliance with applicable air quality requirements, including compliance inspections, evaluation of compliance reports, complaint response and investigation and compliance assistance.	
4 Reduce asbestos exposures to the public.	4.1 Continue to implement an NESHAPS Asbestos Program consistent with the requirements of the Clean Air Act, the Montana Asbestos Control Act and the ARM.	4.1.1 Monitor compliance with NESHAPS requirements as described in the CMS. Conduct activities to assess source compliance with applicable asbestos abatement requirements including, abatement project permitting, worker accreditation, and training course provider accreditation.	4.1.1.2 Report minimum data requirements. (National Asbestos Registry System [NARS]) EPA will provide clarification and guidance to clearly define the minimum data requirements and how they are input into NARS.

Activities associated with the NESHAPS Asbestos Program (4) are the only activities funded with EPA grant funds and are the only activities committed to as a requirement of the PPG workplan.

2.2 AIR QUALITY PROTECTION AND PLANNING

The Resource Protection Planning Bureau (RPPB) protects and enhances the environment by developing and implementing cost-effective plans for surface and ground water, air quality, and energy. RPPB also provides a variety of services for the department including: (1) coordinating the department's positions on environmental legislation, rules, and policies; (2) developing environmental protection criteria, draft legislation, standards, and rules; (3) conducting economic modeling and analysis; and (4) administering air and water quality contracts with local air pollution control agencies, conservation districts, and other commercial and nonprofit organizations.

The Air Quality Planning and Standards Section (AQPS) provides financial assistance and works with local health agencies, elected officials, industry, small businesses, and citizens to develop, implement, and track the effectiveness of emission control plans for those areas in Montana that exceed the state and federal ambient air quality standards, increments of air quality degradation, or visibility requirements. The federal Clean Air Act (CAA) provides Montana with the authority to protect air quality within its borders. In order to protect its air quality, Montana established source-specific emission control plans, often referred to as SIPs.

During fiscal years 2004, 2005, and 2006, the AQPS will continue to focus on efforts to develop and implement control and maintenance plans for the protection of the National Ambient Air Quality Standards (NAAQS). AQPS will continue to track the changes in operation at ASARCO in East Helena and propose changes to the control plan as appropriate. RPPB will continue to follow particulate matter (PM-2.5) monitoring data for Libby to determine attainment status. AQPS will take measures to develop a carbon monoxide (CO) emission control plan for Kalispell and assist in the development of a CO and particulate matter (PM-10) maintenance plan for Missoula.

AQPS will emphasize the development of a research study to determine sources of PM-2.5 in the Libby area and a statewide Regional Haze Visibility control plan. AQPS will participate on state and regional work groups to produce, if necessary, products such as an emission inventory, regional modeling, draft legislation and/or visibility rules, and documentation of submittal into the Montana SIP. If EPA designates the Libby area as a PM-2.5 nonattainment area, AQPS will develop additional control plans and/or rulemaking for the Libby area.

AQPS will continue to review and revise other documents such as:

- (1) Administrative rules of Montana for air quality;
- (2) Natural Events Action Plan (NEAP);
- (3) Emergency Episode Avoidance Plan (EEAP);
- (4) Local Air Pollution Control Program air quality regulations;
- (5) County air quality agreements;
- (6) Public information and educational materials;
- (7) Environmental Assessment and Impact Statements;
- (8) Quarterly electronic data reports related to SO₂ control plans;
- (9) Transportation conformity determinations; and
- (10) Montana Smoke Management Plan.

Long-term Goals		Short-term Goals		Objectives	Performance Measures & Indicators
1.0	Montana will achieve zero violations of the National Ambient Air Quality Standards (NAAQS) and maintain full compliance with the state and federal standards by 2004.	1.1	Continue the development and implementation of statewide and local plans, strategies, and programs to reduce emissions of particulates and carbon monoxide and ensure attainment of National Ambient Air Quality Standards (NAAQS).	1.1A. Continue to develop, submit to EPA, and implement attainment/non-attainment plans (and plan elements). Develop and submit to EPA maintenance plans and redesignate areas in accordance with Clean Air Act (CAA) schedules.	Number of areas redesignated to attainment for particulates and carbon monoxide. Trends in PM-2.5, PM-10, and CO concentrations showing improving air quality and compliance with the NAAQS.
	1.1B. Provide technical and financial assistance to local air quality agencies for the development and implementation of attainment/non-attainment plans, special projects (e.g., air toxic studies), and to address unique air quality issues.				
	1.1C. Work with local communities to implement the PM-2.5 and the PM-10 standards.				
	1.1D. Assist Missoula County in developing maintenance plans for PM and CO. Develop a schedule for the redesignation of Missoula from non-attainment to attainment.				
	1.1E. Upon completion, submission of Missoula PM-10 and CO maintenance plans for inclusion in the SIP.				
	1.1F. Identify any areas where contingency measures have been initiated and revise control plans as necessary.				
	1.1G. Operate seasonal oxygenated fuels program in Missoula and encourage increased use of oxygenated fuels (ethanol) statewide (e.g., West Yellowstone).				
	1.1H. Upon request by EPA, develop and submit on a timely basis summary tables of air quality emissions and control strategy information.				
Montana will protect clean areas for all criteria pollutants and maintain ambient levels of PM, SO ₂ and NO ₂ within increment levels.					

Long-term Goals	Short-term Goals	Objectives	Performance Measures & Indicators
		1.1I. Apply EPA Mobile 6 model to carbon monoxide emissions in Kalispell to determine if additional controls beyond reconstruction of the US 2/US 93 intersection are needed to attain and maintain the CO NAAQS.	
		1.1J. Work with EPA to assess the status of rules and control plans submitted to EPA in previous years. Identify future communities to be targeted for redesignation work.	
		1.1k. Develop a PM-10 maintenance plan for Butte (conditioned on local support).	
	1.2 Continue the development and implementation of statewide and local plans, strategies, and programs to reduce overall emissions of lead and sulfur dioxide and ensure attainment of the NAAQS.	1.2A. Review and possible revision of secondary SO ₂ plan submission for E. Helena.	Participate in discussions with EPA/industry/interested parties on the status of the lead and sulfur dioxide SIPs for East Helena and the sulfur dioxide SIPs for Billings and Laurel.
		1.2B. Review and possible revision of E. Helena lead and primary SO ₂ control plans consistent with changed operation at ASARCO.	
		1.2C. Following EPA promulgation of any related federal implementation Plan (FIP) for the Billings/Laurel sulfur dioxide control plan, work with the industrial sources to develop control plan revisions that will entirely supersede any related FIP requirements.	
		1.2D. <ul style="list-style-type: none"> Evaluate and process requests for revisions to stipulations for sources of SO₂ and lead. Enter quarterly source SO₂ emissions data into electronic data reports format. 	
	1.3 The administration and implementation of air quality rules, including ambient	1.3A. Review proposed rules prior to and during rulemaking.	Number of revisions submitted to EPA within six months following state approval and

Long-term Goals	Short-term Goals	Objectives	Performance Measures & Indicators
	standards, conformity, and visibility. Track rules for SIP enforceability.	<p>1.3B. Prepare and submit BER-approved rules into the SIP.</p> <p>1.3C. Prepare and present rule proposals to Air Pollution Control Advisory Council.</p> <p>1.3D. Track SIP incorporations and EPA approval or denial of individual submittals.</p> <p>1.3E. Field inquiries regarding SIP-approved rules both from within and outside the DEQ.</p> <p>1.3F.</p> <ul style="list-style-type: none"> Review and, if necessary, revise Montana's Emergency Episode Avoidance Plan (EEAP). Implement actions listed in EEAP when contingencies arise. Review effectiveness of EEAP actions following any implementation. 	Secretary of State for publication.
		<p>1.3G.</p> <ul style="list-style-type: none"> Review and if necessary, revise Montana's Natural Events Action Plan (NEAP). Implement actions listed in NEAP when wildfire smoke causes unhealthy levels of particulate. Flag and submit to EPA affected monitoring data when appropriate. <p>1.3H. Review proposed legislation each biennial session for conformity with federal requirements pursuant to the CAA.</p>	

Long-term Goals	Short-term Goals	Objectives	Performance Measures & Indicators
		1.3I. <ul style="list-style-type: none"> Review, as requested, proposed PSD/NSR construction or modifications to PSD/NSR permits for impacts to NAAQS and visibility. Define baseline areas for purposes of PSD permitting. 	
		1.3J. Improve communication in regulatory SIP revision efforts between DEQ and EPA.	
	1.4 Reduce emissions from mobile sources by ensuring conformity determinations are consistent with the air quality planning framework and assumptions.	1.4A. Revise the transportation conformity rule within 1 year of EPA's promulgation of a final revised rule.	Submittal of conformity SIP revisions to EPA.
		1.4B. Coordinate with appropriate agencies to provide input or comments regarding conformity determinations on transportation and general activities.	Conformity determinations ensure non-attainment and maintenance plans are successful as gauged by trends in air quality data.
	1.5 Reduce criteria pollutant emissions through operation of a pollution prevention program (P2).	1.5A. Support DEQ's P2 program by providing P2 information to staff.	Long-term trends in air quality for criteria pollutants.
		1.5B. Work with communities to reduce emissions through P2.	
	1.6 Review and comment on proposed activities that involve potential impacts on air quality or that result from regulated air pollutant emissions.	1.6A. Review and comment on TMDL reports.	
		1.6B. Review and comment on USFS prescribed burn plans and/or forest plans.	
		1.6C. Review EA and EIS documents for air quality effects.	

Long-term Goals	Short-term Goals	Objectives	Performance Measures & Indicators
<p>2.0 Montana will work to attain Visibility Standards and prevent significant deterioration of Visibility and AQRVs in Class I Areas.</p>	<p>2.1 Montana will take the necessary steps toward reasonable progress toward the national visibility goal of preventing any future and remedying any existing anthropogenic visibility impairment in mandatory federal Class I Areas.</p>	<p>2.1A. Continue to work within regional planning groups (Western Regional Air Partnership [WRAP] and Western States Air Resource Council [WESTAR]) to address visibility as a regional problem.</p> <ul style="list-style-type: none"> • Commit to participation in regional planning organization (RPO) for regional haze (RH) SIP development within established regulatory timeframes. • Make determination whether any source emissions contribute to visibility impairment within established regulatory timeframes. • Describe RPO process and schedule within established regulatory timeframes. • Submit list of RH BART-eligible sources within established regulatory timeframes. • Continue participation in RPO as necessary. • Attend annual meeting of Greater Yellowstone Area Clean Air Partnership. • Submit Long Term Strategy Report. 	<p>Improving visibility in most of Montana's mandatory Class I Areas as measured by the Interagency Monitoring of Protected Visual Environment (IMPROVE) network of monitors.</p>

Long-term Goals		Short-term Goals	Objectives	Performance Measures & Indicators
3.0	Montana will reduce the impact of smoke generated from prescribed burning.	3.1 Administration of a program to minimize or prevent the accumulation of smoke in order to preserve the NAAQS.	3.1A <ul style="list-style-type: none"> • Attend Smoke Management Annual meeting. • Participate on Smoke Management Executive Board as non-voting member. • Compile annual report with information on complaints, burn accomplishments, proposed burns, and monitoring data. • Work with county programs as necessary to ensure burners comply with applicable county and state rules. • Produce the annual Smoke Management budget and budget summary. • Annually fund county permitting programs or other smoke management activities through local air program contracts. • Be available, upon request, to assist Federal Land Managers with wildland fire use, prescribed burning, BACT, standards, and visibility protection. 	No NAAQS exceedances recorded. Visibility protection in mandatory federal Class I areas.
4.0	Encourage small business to observe environmental laws and integrate environmental protection strategies into their operation and maintenance practices.	4.1 Utilize Small Business Assistance program to coordinate with small business across the state with technical assistance and air compliance information.	4.1A As necessary, provide technical information to small business ombudsman to work with area sources of air toxics to prevent or reduce air toxic emissions.	
5.0	Establish a network of monitors to effectively and accurately measure concentrations of air pollutants.	5.1 Participate in the annual review of Montana's ambient monitoring network to identify needed modifications of the network, such as the termination or relocation of unnecessary stations or the establishment of new stations.	5.1A Before end of each fiscal year, coordinate with Analytical Services Section to develop information and data regarding air quality status of nonattainment areas.	

Long-term Goals		Short-term Goals	Objectives	Performance Measures & Indicators
6.0	Identify and control air toxics emissions listed in Sec. 112(b).	6.1	Establish air quality programs, policies, and rules applicable to sources of air toxics.	6.1A <ul style="list-style-type: none"> • Provide technical and financial assistance to local air pollution control programs to conduct air toxic emission inventories. • Provide technical and financial assistance to local air pollution control programs to adopt rules targeting the control of air toxic emissions and/or conduct air toxic studies. • Track Urban Air Toxics Strategy development. Work with communities to implement recommended and appropriate measures to reduce health effects from air toxic emissions. • Implement special grants, such as the children's health initiative grants to local air pollution control programs.
7.0	Ensure effective administration, operation, and logistics.	7.1	Provide administrative support systems to operate strategic programs.	7.1A. Ensure that rules and regulations are promulgated as needed and in accordance with state and federal laws.

2.3 AIR QUALITY MONITORING AND ANALYSIS

The Monitoring and Data Management Bureau (MDMB) monitors air and water quality conditions and trends statewide, and assesses sources and severity of pollution problems. Bureau staff develops and conveys pertinent and reliable information on the condition of Montana's environment to resource managers and the public. The MDMB has responsibility for operation of statewide air and water quality monitoring networks, conducts inventories of pollution sources, identifies impaired streams, lakes and airsheds, and maintains statewide environmental monitoring databases. A variety of technical support services are provided to the department and the public, including assistance in developing comprehensive pollution control plans.

The bureau's air quality monitoring, assessment and reporting responsibilities include: operation of a statewide ambient air quality monitoring network for criteria pollutants; technical oversight of a statewide industrial air quality monitoring network; performance of emission inventories and special air quality studies to quantify causes and sources of air pollution; preparation of statewide air quality assessment reports; identification of air quality nonattainment areas; provision of air quality dispersion modeling services; assistance with development of the SIP; maintenance of a statewide air quality and meteorological database; quality assurance and quality control (QA/QC) services; field training; air monitoring protocols development; and calibration and maintenance of monitoring equipment.

The MDMB will maintain the traditional air monitoring activities required by the Clean Air Act. These include: maintenance and operation of the state and local air monitoring network for criteria pollutants; the administration and annual review of an approved quality assurance program; quarterly performance audits and biennial system audits of all state and local monitoring sites; repair and maintenance of instruments and equipment; preparation of an annual monitoring equipment purchase plan; the annual air monitoring network review; and the timely review and entry of air monitoring data into the Aerometric Information Retrieval System-Air Quality Subsystem (AIRS-AQS) database. The bureau will also continue to provide technical oversight to air monitoring networks operated by other agencies and industrial facilities.

Under a separate federal funding source, the bureau will refine and maintain its fine particulate (PM-2.5) monitoring and speciation network begun in 1999.

The bureau's Analytical Services Section will continue to provide air quality analytical services to support a variety of pollution control measures. These include: technical support for construction permits, SIP development and smoke forecasting; reviews and modeling for new construction permits; regional haze emission inventory and interstate scale modeling development; conducting and evaluating emission inventories and related traffic counts; and various dispersion and receptor modeling to evaluate the effects of alternative pollution control scenarios.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
1.0 Maintain an effective statewide ambient air quality monitoring program to provide information for air quality management decisions.	1.1 Operate a statewide monitoring network for SO ₂ , CO, PM-10, PM-2.5, lead and meteorological information in cooperation with local governments.	<p>1.1A. Conduct annual review of the statewide network and identify and incorporate needed revisions per EPA guidance.</p> <p>1.1B. Develop and annually update monitoring equipment purchase plans.</p> <p>1.1C. Repair and maintain instruments and equipment.</p> <p>1.1D. Review all air quality monitoring data for completeness, precision and accuracy requirements.</p>	<p>Submit annual network review to EPA by July 1 of each year.</p> <p>Annual evaluations of statewide air quality network data for quantity, quality and completeness.</p> <p>Install and operate PM-2.5 equipment.</p> <p>Participate with EPA-Region VIII in Monitoring Systems Audit.</p>
	1.2 Administer an effective and approved air monitoring QA/QC program.	<p>1.2A. Conduct quarterly performance audits and biennial system audits of all state and local monitoring sites.</p> <p>1.2B. Review and revise quality assurance project plans and monitoring standard operating procedures (SOPs), as needed.</p> <p>1.2C. Attend EPA sponsored monitoring training workshops.</p> <p>1.2D. Submit Quality Assurance Program Plan by March 2004.</p>	<p>Submittal of precision and accuracy information to AIRS database in a timely manner.</p> <p>Certification of previous year's State/Local Air Monitoring Station data by June 30.</p>
	1.3 Archive ambient air quality data in EPA-AQS database to assure availability.		Submit quarter's data by the end of the following quarter.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
	<p>1.4 Perform special air quality studies on an as-needed basis.</p> <p>1.5 Evaluate the potential and need to increase work in the area of air toxics.</p>	<p>1.4A. Evaluate PM-2.5 problem in Libby.</p> <p>1.4B. Submit the remaining 5-minute SO2 data from the 1-year pilot study in the Spring of 2004.</p> <p>1.5A. Review NATA results when they are available from EPA and consult with EPA about the implications of the results.</p> <p>1.5B. Review the results of FY03 mass concentration and speciation monitoring to identify the possible existence of problems that would warrant toxics monitoring.</p> <p>1.5C. Determine if there needs to be a program to monitor toxics in FY04 or later, and determine how to fund the monitoring if it is determined to be necessary.</p>	<p>Establish area represented by Libby monitoring site.</p> <p>Identify the source of the large amount of volatile carbon in Libby PM-2.5.</p>
2.0 Provide air quality analytical services to support decision-making and pollution control measures.	2.1 Conduct data reviews and reporting in compliance with the CAA and to inform the public.	2.1A. Review ambient monitoring data for exceedences of federal and state standards.	Notify EPA in writing of any standards excursions within 45 days.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
	2.2 Provide technical support for construction and operating permits, SIP development, regional haze rule development, and smoke management.	<p>2.2A. Review and model new construction permits for compliance with air quality standards and increments.</p> <p>2.2B. Perform and analyze traffic counts and street data for air modeling.</p> <p>2.2C. Identify air quality nonattainment areas, conduct pollution emission inventories and model the effects of alternative pollution control scenarios.</p> <p>2.2D. Develop emission inventory data and modeling systems to develop a regional haze plan for western states.</p> <p>2.2E. Assist with smoke management and development of burning restrictions.</p> <p>2.2F Edit and correct the county level estimates of mobile source and area source emissions of the EPA's 2002 National Emissions Inventory and submit to EPA's National Emissions Data Base by June 1, 2004.</p>	<p>Finish permit analysis inside of statutory deadlines.</p> <p>All permits assure compliance with air quality standards and increments.</p> <p>Maintain updated traffic study information.</p> <p>Update emission inventories for non-attainment areas as required by guidance.</p> <p>Participate in WRAP and WESTAR modeling and emissions forums and committees.</p> <p>Collect regional haze emissions activity data.</p> <p>Collect PM2.5 emissions activity data.</p> <p>Review and comment on WRAP modeling products.</p> <p>Prevent air quality standards violations due to smoke from prescribed fires.</p>

2.4 AIR QUALITY POLLUTION PREVENTION

The Pollution Prevention Bureau (PPB) provides a broad range of services to protect and enhance the environment by reducing or preventing pollution and managing wastes. The bureau provides on-site analyses and advice for small business owners in meeting air quality regulations; develops and implements strategies to protect groundwater and all sources of water used for drinking water supplies, develops strategies and manages grants to improve and restore wetlands, encourages efficient transportation modes and fuels and sustainability in building design and government operations; promotes source reduction, reuse, recycling, and composting; and assists in creating new markets for Montana's waste resources and bio fuels.

Pollution prevention efforts also occur in programs operated by other bureaus and divisions within the DEQ. Therefore, this section of the PPA is not inclusive of all DEQ pollution prevention efforts.

The bureau's primary air quality responsibilities include managing the Small Business Assistance Program (SBAP) and providing education and assistance in developing alternatives to conventional transportation modes and fuels. The bureau supports the development and implementation of SIPs for visibility, regional haze, PM, and CO by working cooperatively with other bureaus.

During fiscal year 2004-2006, the PPB will continue to work to expand the role of the SBAP to provide non-regulatory assistance to small businesses facing water quality issues. The SBAP has already helped thousands of Montana small businesses with air quality standards through site assessments, workshops, and through the operation of a telephone hotline. However, the SBAP is prevented from providing an equal level of assistance to small businesses for water quality issues because of limited staff resources and because its activities have been primarily funded by air permitting fees. Specific activities have been added to the PPA to allow for some assistance to small businesses in the area of storm water pollution prevention and under source water protection planning. This will positively affect the air quality pollution prevention efforts because DEQ staff will be more visible to small businesses. Special grant funding will be sought as it is available for additional work in these areas.

The Pollution Prevention Bureau will reduce public exposure to air pollutants and contaminated water and soil by fostering pollution prevention partnerships with small and large businesses and industry to exchange information about waste reduction techniques and receive training.

Transportation related sources of particulates will be targeted for reduction by encouraging the development, demonstration, consumer acceptance, and use of alternative fuels and lube oils. The bureau will conduct research, development, and demonstrations of alternative transportation fuels that can be derived from agriculture products such as ethanol and bio-diesel and will encourage the use of these fuels as well as natural gas and propane when appropriate. In addition, the bureau will work to influence more efficient engine designs for both on and off road vehicles.

Pollution Prevention Bureau Goals: Clean Air			
Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
<p>1.0. Montana will achieve zero violations of the National Ambient Air Quality Standards (NAAQS) and maintain full compliance with the state and federal standards by 2004.</p> <p>Montana will protect clean areas by maintaining ambient levels of PM, SO₂, and CO within increment levels.</p> <p>Montana will improve air quality in areas of concern.</p>	<p>1.1. Continue programs to reduce emissions of particulates and carbon monoxide and ensure attainment of the National Ambient Air Quality Standards.</p>	<p>1.1.A. Reduce the overall emissions of particulate and CO from mobile sources by increasing the use of cleaner alternative fuels and lube oils, particularly E-10, E-85, and bio-diesel.</p> <p>Target the areas of West Yellowstone and Kalispell for information on fuel choices and consumer practices to reduce emissions and improve air quality.</p> <p>Represent Montana on the Greater Yellowstone Teton Clean Cities Coalition to improve both air quality and energy efficiency in southwestern Montana.</p> <p>Establish relationships with Glacier National Park to improve both air quality and energy efficiency in transportation in the Park.</p> <p>Educate consumers on fuel choices that will reduce emissions such as ethanol and natural gas for both on and off road vehicles.</p> <p>Establish refueling infrastructure in Montana and create partnerships that will provide fuel supplies of raw ethanol or bio-diesel into Montana.</p> <p>Foster partnerships and seek project funding for research, development, and demonstration of alternative transportation fuels, particularly those that can be derived from agricultural products.</p>	<p>Trends in air quality for CO and PM in Montana.</p> <p>Availability of alternative transportation fuels for consumers in Montana.</p>
		<p>1.1.B Reduce emissions from small engines and from recreational vehicles.</p> <p>Assist in designing and reviewing testing protocols for efficiency and emissions to be used by EPA in setting off road engine standards.</p> <p>Review and comment to EPA on new proposed standards for off road vehicle engines.</p> <p>Educate the public to change operator practices for snowmobile and other small and large engines.</p> <p>Encourage the development, demonstration and consumer acceptance and use of alternative engine designs.</p> <p>Increase the number of low emission, quiet and efficient small engines available and in use in Montana.</p>	<p>National standards for small engine design that require improved efficiency.</p> <p>Availability and consumer acceptance of new designs, particularly 4 cycle engines in snowmobiles.</p>

Pollution Prevention Bureau Goals: Clean Air			
Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
<p>2.0 Montana will reduce human health effects from hazardous and criteria air pollutants by reducing public exposure to these pollutants.</p> <p>EPA Goals</p> <p><i>By 2005, all 174 categories of major industrial facilities will meet toxic air emission standards.</i></p> <p>Source: <i>Goals Report</i>, U.S. EPA</p>	<p>2.1 Reduce emissions of criteria and hazardous pollutants to protect and enhance air quality.</p>	<p>Assist small businesses comply with MACT standards and other regulations by providing information and updates to 90% of small businesses covered under MACT standards annually. Assistance will include direct mail newsletters, toll-free phone assistance, workshops or on-site assistance. Businesses covered under new MACT standards will receive first priority.</p> <p>Persuade small businesses to incorporate pollution prevention techniques that improve air quality and reduce risk to human health.</p> <p>Foster the development of pollution prevention partnerships to exchange information among small and large businesses and industries in Montana and the region.</p> <p>Provide educational opportunities on pollution prevention topics for industries in Montana.</p>	<p>Quantification of businesses in compliance with MACT standards.</p> <p>Total number of businesses reached through site visits, workshops, mailings, hotline assistance, and meetings</p> <p>Pollution prevention partnership meetings or education events held.</p>
		<p>2.1C. Reduce emissions and exposure from wood stoves through education and information.</p> <p>Distribute educational information on wood stove use and burning techniques to reduce emissions and encourage efficiency.</p>	
<p>3.0 Montana will work to attain visibility standards and prevent significant deterioration of visibility in Class I Areas.</p>	<p>3.1 Montana will take the necessary steps toward reasonable progress toward the national visibility goal of preventing any future and remedying any existing visibility impairment in mandatory federal Class I Areas.</p>	<p>3.1A The Pollution Prevention Bureau will assist and support the Resource Protection Planning Bureau staff in developing and implementing a Class I areas Reasonably Attributable Visibility Impairment control plan and Regional Haze Visibility Plan.</p> <p>Work with other state, local and federal agencies on the Greater Yellowstone Area Clean Air Partnerships.</p>	<p>Improving visibility in most of Montana's mandatory Class I Areas as measured by the Interagency Monitoring of the Protected Visual Environment (IMPROVE) network of monitors.</p>

2.5 WATER QUALITY PERMITS AND AUTHORIZATIONS

The Water Protection Bureau (WPB) implements Montana's water quality laws through delegation authority under the federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) program in compliance with 40 CFR 123 and the State/EPA delegation agreement. This delegation includes authority to administer the federal stormwater, federal facilities and general permit programs as well as individual permits for public and private facilities. In addition to these federal programs, the WPB administers a number of state issued permit programs, including ground water discharge permit program, nondegradation policy, 401 certification, 308 and 318 programs. The WPB evaluates permit applications, conducts permit maintenance and inspection activities, and provides compliance assistance to ensure beneficial uses of surface and ground waters throughout the state. The WPB also coordinates closely with the EPA to ensure program quality and maintenance of Montana's delegated authority.

The WPB priorities for Fiscal Year 2004 include increased emphasis on effective and efficient permitting using existing resources. These resources include 29 FTE (Full Time Equivalent [employees]) organized into Water Permitting and Subdivision Sections. Water Permitting is further organized in Montana Pollutant Discharge Elimination System (MPDES), Groundwater, Stormwater, and Nondegradation programs.

To increase its efficiency and effectiveness, WPB plans to develop additional general permits and be actively involved in policy and rulemaking processes, which will facilitate these goals. In 2004 three rulemaking efforts will be emphasized: 1) CAFO rule revisions; 2) Suction Dredge – permissible times and locations, and 3) update of nondegradation rules related onsite wastewater treatment. WPB will also continue to coordinate closely with the DEQ's Planning Prevention and Assistance Division regarding total maximum daily loads (TMDL). WPB also is responsible for implementation of Montana's nondegradation regulations. The bureau will determine the impacts of large projects on water quality, and will provide permitting guidance to potential applicants. Additionally, WPB will continue to work with other organizational units within DEQ for establishing or continuing consistent approaches to resolving water quality nondegradation issues.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
1.0 The MDEQ shall fully implement and enforce its delegated NPDES program (including as appropriate, general permitting, pretreatment and biosolids programs) as required by 40 CFR Parts 122-124, 403, 501 and 503, its delegated MOA dated 6/10/74, SEA, Inspection Plan, and any other agreements with EPA regarding program implementation. The PPA may specify goals and objectives for activities beyond the base level of performance, but, in no way, should this be interpreted as relief from full implementation of the base program.	<p>1.1 Issue permits in a timely and consistent manner; reduce permit backlog to acceptable levels.</p> <p>1.2 Address Permit Compliance System (PCS) Water Enforcement National Database (WENDB) data elements as per EPA minimum requirements.</p>	<p>1.1A Review applications for all permits and authorizations within statutory timeframes.</p> <p>1.1B Develop and issue new general permits for noncontact cooling water and coal bed methane produced water.</p> <p>1.2A Track proposed changes in federal regulation and policies; evaluate in terms of Montana program.</p> <p>1.2B Maintain staff adequately trained in permit writing and permitting procedures.</p> <p>1.3A Enter missing WENDB data elements into PCS database. The state will implement a new state front end Oracle data system. Coordinate activities with EPA-HQ.</p>	<p>--Review application for completeness within 30 days.</p> <p>-- Issue new permits within 180 days of receipt of complete application.</p> <p>--Process requests for permit modifications within 90 days of receipt of request.</p> <p>--Major permits: Less than 10 percent backlog by July 1, 2004.</p> <p>--Minor Permits: Less than 10 percent backlog by July 1, 2005.</p> <p>--General Permits: Review all expired permits by December 31, 2003.</p> <p>--Issue Municipal Separate Storm Sewer by December 1, 2003.</p> <p>--Implement the State CAFO strategy.</p> <p>--Adopt new federal CAFO rules into state regulation by April 1, 2004.</p> <p>--Fully populate PCS database by December 31, 2003.</p> <p>--Implement water permits module DEQ Enterprise Database by July 1, 2004.</p> <p>--Provide technical assistance to public, regulated community and other governmental agencies on issues related to wastewater permitting.</p> <p>--Provide EPA with copies of major permits and fact sheets during comment period.</p> <p>--Submit point source TMDLs to EPA for review and approval.</p> <p>--The DEQ will complete an SSO response plan by June 30, 2004.</p> <p>--The DEQ will report all storm water inspections to EPA annually by state fiscal year.</p>

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
2.0 State Ground Water Program. Implement the Montana Ground Water Pollution Control System pursuant to Montana WQA and administrative rules chapters 5, 7, and 10. Issue discharge permits that are protective of beneficial uses of Montana's ground water and incorporate the State's Nondegradation Policy (75-5-303, MCA).	<p>2.1 Develop permit conditions that are protective of beneficial uses of ground water throughout the state.</p> <p>2.2 Issue permits in a timely and consistent manner.</p> <p>2.3 Develop monitoring system to track compliance monitoring at permit facilities.</p> <p>2.4 Coordinate state ground water permitting activities with federal Underground Injection Control Program.</p>	<p>2.1A Incorporate applicable water quality based effluent limits and monitoring conditions in all ground water discharge permits.</p> <p>2.2A Review application for permits and authorizations within statutory timeframes.</p> <p>2.2B Issue new permits within 180 days of receipt of application. Renew expired permit according to the Bureau's Permitting Prioritization Plan. Process requests for permit modifications within 90 days.</p> <p>2.2C Develop general discharge permit for public wastewater systems, land application of domestic, industrial and agricultural wastewater.</p> <p>2.3 Implement Oracle-based tracking system for compliance monitoring; employ PCS discharge monitoring reports</p>	<p>Issue permits in timely and consistent manner.</p> <p>Reduce and maintain number of backlogged permits to less than 10% of total permits.</p>

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
3.0 Compliance and Enforcement. Assure compliance with applicable state and federal regulations and permit conditions at all permitted facilities. Implement appropriate and consistent compliance measures consistent with the Montana WQA and federal Clean Water Act.	<p>3.1 Conduct inspections of permitted facilities to ensure compliance with permits and or applicable water quality regulations.</p> <p>3.2 Review self-monitoring data in a timely manner.</p> <p>3.3 Investigate third party complaint of permitted facilities within a reasonable timeframe.</p> <p>3.4. Notify facilities of permit deficiencies and noncompliance in a consistent and timely manner.</p> <p>3.5. Refer appropriate and enforceable violations to the Enforcement Division in a timely manner.</p> <p>3.6 Provide technical support to the Enforcement Division.</p>	<p>3.1A At a minimum, inspect majors every year and all other facilities at a minimum of every 5 years. Target minor facilities based on interval from last inspection and compliance problems.</p> <p>3.2A Complete monthly review of discharge monitoring reports on a monthly basis. Notify facilities in noncompliance in a timely manner. Follow up as necessary.</p> <p>3.2B Discharge Monitoring Reports (DMR's) shall be evaluated against the Significant Noncompliers (SNC) criteria.</p> <p>3.3A Instances of significant noncompliance shall be addressed within two consecutive quarters of the violation.</p> <p>3.4A Follow timeframes and procedures as given in bureau's inspection procedures guidelines.</p> <p>3.5A Complete initial investigation of all third party complaints within 10 days of referral from Enforcement Division; resolve complaints within 30 days.</p>	<p>Prepare list of targeted inspections by September 30 each year, to include NPDES, State ground water, stormwater and CAFO.</p> <p>Print bimonthly reports of noncompliance.</p> <p>Response to permit violations within 30 days of discovery.</p> <p>Valid SNC violations will be referred to the Enforcement Division.</p> <p>The state shall complete 75 stormwater inspections.</p>

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
4.0 State Programs. Implement system to issue, inspect and assess compliance with state issued authorizations (MWQA Sections 308 and 318, MCA), federal clean water act section 401 certifications, Montana nondegradation policy and MEPA.	4.1 Maintain, at minimum, current level of service for these functions.	<p>4.1A Coordinate with other agencies involved with joint jurisdiction (Corps of Engineers, Department of Agriculture).</p> <p>4.1B Issue 308 and 318 authorizations in a timely and consistent manner.</p> <p>4.1C Develop procedures, standard practices for issuance of 308 authorizations incorporating requirements of MWQA and federal district court ruling (Talent decision).</p> <p>4.1D Conduct environmental assessment on all state permitting actions.</p> <p>4.1E Provide technical assistance to public, regulated community and other governmental agencies on state programs.</p> <p>4.1F Ensure consistent and coordinated application of nondegradation rules. Conduct monthly meetings to coordinate Department activities related to nondegradation.</p>	<p>Issue 401 Certifications as necessary.</p> <p>Issue authorizations to exceed or temporary standards (308 & 318).</p> <p>Analyze potential water quality impacts and provide assistance in permitting activities, particularly for large, complex development projects.</p> <p>Make nondegradation determinations. Provide rule interpretations. Oversee DEQ rules and guidance for nondegradation activities.</p>

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
5.0 Program Administration. Administer Water Quality Discharge Permits program consistent with Department policy and procedures and federal NPDES delegation agreement.	<p>5.1 Ensure that state resources are used efficiently, requirements are consistent, and service is timely.</p> <p>5.2 Involve EPA in the comment process for any changes in DEQ policy and rules affecting NPDES permitting and enforcement.</p> <p>5.3 Administer fee system, including invoicing and cash receipts for regulated facilities.</p> <p>5.4 Provide day-to-day supervision of staff including performance standards, timely review of work products and annual appraisals.</p>	<p>5.1A Develop operating procedures and priorities for section staff consistent with Department policy, procedures and regulations.</p> <p>5.1B Update boilerplate and complete conversion to word processing conversion for all MPDES and Montana Ground Water Pollution Control System permits.</p> <p>5.1C Coordinate section activities and priorities through weekly staff meetings.</p> <p>5.1D Coordinate program activities with EPA staff through bimonthly meetings.</p>	Submit all draft policy and rule changes to EPA for review.

2.6 WATER QUALITY CONTROL - PROTECTION AND PLANNING

The RPPB's water quality responsibilities include: support for proposed legislation, policy development and rulemaking activities; adoption, interpretation, and application of water quality standards; providing expertise to the department on the health and environmental effects of water pollutants; and support for the TMDL program.

During fiscal year 2003, the bureau will continue to provide, upon request, a training and outreach program to inform and educate department staff, the public, and the regulated community on the toxicity and health and environmental effects of water pollutants. A major program objective is to raise the level of knowledge within the department to ensure that water quality decisions are based on sound science and are consistent throughout the department. In the same vein, the RPPB will apply a comprehensive rulemaking procedure that requires sound science, internal review, informal and formal public participation, and complies with all state and federal legal requirements. The procedure ensures that rule revisions receive thorough review and have a sound scientific basis.

The bureau will also concentrate on developing numerical standards for nutrients and biocriteria that will better define or replace some narrative water quality standards. The department intends to increase the use of biological data to determine if lakes and streams are meeting their beneficial uses. To accomplish this objective the RPPB intends to continue a program of research to develop the appropriate processes and standards.

Standards play a key role in the development and implementation of TMDLs for Montana's impaired waters. The department has assigned a very high priority to completing TMDLs for all of Montana's impaired waters. Although Montana's TMDL program is largely funded by state general fund and a separate EPA grant under Section 319 of the Federal Clean Water Act, the Performance Partnership Grant plays a supportive role for the TMDL program. The Performance Partnership Grant also supports a small amount of staff time and a substantial amount of contractual assistance directly relating to TMDL development.

Many traditional activities will continue to be high priority objectives. Rules and rule revisions will be drafted and guided through the rulemaking process for numerical water quality standards (especially nutrients and arsenic), water body reclassifications, and adoption and review of temporary water quality standards for waters impacted by abandoned mines. The bureau will continue to serve as the department's experts on toxicity and the health and environmental effects of water pollutants. As such, the RPPB will serve a key role in addressing the occasional legal issues that develop in regard to water quality standards. The bureau will also participate in the analysis and policy-making process for emerging issues such as coal bed methane production.

In May of 2002 the DEQ and EPA Region VIII entered into a cooperative agreement to ensure timely development of TMDLs in Montana. This agreement will be reviewed and may be modified annually by mutual agreement. Under the period of this PPA agreement, the state committed to taking the lead in the completion of TMDLs for 27 TMDL planning areas, EPA committed to providing the lead role in establishing TMDLs for 22 planning areas, and shared responsibility for 1 planning area.

Long-term Goals	Short-term Goals	Objectives	Performance Measures & Indicators
1.0 Assure that water quality standards and the regulatory framework for Montana's water quality control program are based upon sound scientific data and meet all legal requirements.	1.1 Apply a comprehensive rulemaking procedure that requires sound science, internal review, informal and formal public participation, and complies with the Montana Administrative Procedures Act.	1.1A Ensure that the comprehensive rulemaking procedure is applied.	Compliance with procedures.
	1.2 Assure that rules are reviewed and revised in accordance with rulemaking procedures and Montana Administrative Procedures Act, including seeking the involvement by all potentially affected parties (including the U.S. Fish and Wildlife Service) in the public participation process.	1.2A Draft amendments to water quality rules and participate in the public process of adoption by the BER: <ul style="list-style-type: none"> - Amendments to numerical standards. - Rules reclassifying lakes and streams, including possible designation of the Gallatin River as an outstanding resources water. Where appropriate, rules for site specific and temporary standards including review of remediation of water bodies with temporary standards. 	Number of rules reviewed and revised and new rules adopted.
	1.3 Use water quality data and potential effects on uses to support regulatory development.	1.3A Initiate literature review, biological monitoring and research to develop bio-criteria and nutrient criteria that better define or replace narrative water quality standards and beneficial uses.	Number of nutrient, biological, salinity, SAR, and other criteria and standards developed.
		1.3.B Initiate literature review of potential reach-specific temperature standards to protect specific native fish species. 1.3.C Develop a plan for the development of biological standards.	
	1.4 Use water quality standards expertise to support the DEQ's position in litigation or contested cases involving water quality standards.	1.4A Participate in litigation and contested cases as they develop.	Appropriate decisions in litigation or contested cases.
	1.5 Inform and educate staff, the public and the regulated community on the toxicity and health and environmental effects of water pollutants and the application of water quality standards, regulations and laws.	1.5A Develop a training and outreach program for staff, the public and the regulated community.	Conduct training sessions.
		1.5B Continue training department staff through presentations at section and bureau meetings.	
		1.5C Continue training the public and the regulated community as requested by various interest groups (i.e., conservation districts and environmental consulting groups).	

Long-term Goals	Short-term Goals	Objectives	Performance Measures & Indicators
2.0 Assure that department permits, authorizations, approvals and certifications are consistent with water quality standards, regulations, and laws.	2.1 Ensure that the department's actions are consistent with water quality standards, regulations, and laws.	2.1A Review selected department permits, authorizations, approvals, and certifications.	<p>Number of department permits, authorizations, approvals and certifications that are consistent with water quality standards, regulations and laws.</p> <p>Trend in department actions that are consistent with water quality standards, regulations and laws.</p>
3.0 Assess water quality impacts of Coal Bed Methane Development and compare to water quality standards and beneficial uses.	3.1 Participate in the programmatic EIS for CBM development and site specific environmental assessments for individual permit actions.	3.1A Protect water quality by assisting the Water Protection Bureau in developing water quality based effluent limits for permits associated with Coal Bed Methane Development.	Number of permits and effluent limits developed, and maintenance of water quality in southeastern Montana.
4.0 Support the Total Maximum Daily Load (TMDL) program to protect and restore the water quality of threatened and impaired surface waters. The primary goal of the TMDL program is to complete all necessary TMDLs for waters listed on the 1996 303(d) list by May 2007. (Note: The TMDL program is primarily funded by general fund and a separate nonpoint source grant pursuant to Section 319 of the FCWA).	4.1 Ensure that TMDLs are completed and submitted to EPA on time for those TMDL Planning Areas scheduled for completion in 2003, 2004, and 2005.	<p>4.1A Provide supplemental support to assist in source assessment and TMDL development including: target setting, source identification and quantification, and load allocation.</p> <p>4.1B Contract with conservation districts, watershed groups, universities, and private consultants for products that support TMDL development. During FY03 contractual funds are needed for several TMDL Planning Areas including:</p> <ul style="list-style-type: none"> • Judith Arrow • Redwater • Bitterroot • Rock Creek/Red Lodge. • Upper and Middle Milk. • Upper and Lower Smith River. • O'Fallon. • Tobacco/Therault. • Flathead/Stillwater. 	<p>Timely completion of all TMDLs scheduled for December 2003, 2004, and 2005.</p> <p>Annual workload evaluation of DEQ/EPA TMDL responsibilities occurs between January and March of 2004 and 2005.</p>

2.7 WATER QUALITY MONITORING AND ANALYSIS

The MDMB's water quality monitoring, assessment and reporting responsibilities include: operation or contracting of fixed-station water quality monitoring at about 100 sites statewide; intensive assessment to determine water use support status of lakes and streams and to quantify causes and sources of pollution; preparation of preliminary assessment and water quality impairment status reports; compilation of Montana's impaired waters list; assistance with TMDL development, use attainability analyses; maintenance of a statewide water quality database; QA/QC services; field training; monitoring and assessment protocols development; and calibration and maintenance of monitoring equipment.

Supporting the Department's TMDL development effort will be a top priority for us during 2004-6. New initiatives during this period include expanding our reference site network to support TMDL and water quality standards development. Monitoring in the Tongue and Powder drainages will continue to be a major partnership with other agencies.

During fiscal year 2004-06, the bureau will continue to develop and implement a comprehensive statewide water quality monitoring program. Expansion of the current program will include a systematic effort to conduct statewide assessments of suspected threatened and impaired lakes and streams and to identify and quantify causes and sources of pollution. Additional funding will be pursued to expand our statewide status and trends monitoring program and our reference site network.

Early in fiscal year 2004, the bureau will finalize Montana's 2004 303(d) List. We anticipate submitting a final list to EPA in October of 2004, subsequent to incorporation of public comments received during the extensive public review process. An important component of the revision of the 2000 303(d) List has been the identification of waters needing additional data to support full evaluation of all beneficial uses. The MDMB has developed a schedule to conduct reassessments. The bureau plans to produce year 2004 303(d) and 305(b) reports during the term of this PPA agreement.

Long-term fixed-station monitoring of Flathead Lake and tributaries will continue through a contract with the University of Montana. DEQ receives two deliverables from the Flathead Lake Biological Station, the results from field activities and a summary report. DEQ also receives the results from monitoring activities as an electronic STORET compatible file at the close of the contract period. Quality Assurance activities are performed on the monitoring data as it is subsequently implemented into the DEQ STORET database by the end of the calendar year. Continuation of this program is critical to the bureau's ability to evaluate conditions and trends in this high priority waterbody and to gage the effectiveness of the Flathead Lake TMDL.

During fiscal years 2004-2006, a three-state nutrient monitoring program in the Clark Fork-Pend Oreille Basin in Montana, Idaho and Washington will continue through a contract with the Tri-State Water Quality Council. This program, under development for several years and implemented in 1998, replaces much of DEQ's former Clark Fork Basin monitoring efforts.

This long term monitoring plan provides a means of tracking the effectiveness of the Clark Fork-Pend Oreille Basin water quality management plan in addressing interstate nutrient and eutrophication problems. The Tri-State monitoring program will be supplemented with additional DEQ and privately sponsored monitoring of the Clark Fork and tributaries in Montana. DEQ will continue to sponsor metals monitoring to track Superfund clean up of headwaters source areas and DEQ will work with ARCO and contractors to co-sponsor a long term biological monitoring program employing macroinvertebrates and periphyton as indicators of trends in biological integrity. Together, these efforts will provide for maintenance of a comprehensive monitoring program in one of Montana's largest river basins.

The bureau will also continue to be involved in the Montana Volunteer Water Quality Monitoring Steering Committee and its work to promote citizen volunteer stream monitoring activities in the state and to develop standardized volunteer monitoring protocols and data reporting mechanisms.

During this three-year period, the bureau will continue its efforts to enhance an integrated water quality data management system and to facilitate public access to water quality monitoring and TMDL-related information. Work will continue on the Montana EnviroNet Internet water quality database to improve its architecture and update its content. EnviroNet was developed by the bureau during an earlier PPA cycle to convey information about the quality of Montana's rivers, streams, lakes and wetlands. EnviroNet provides the ability to search out statewide water quality information by geographic criteria (water body name, watershed unit, or county) or by various water quality assessment criteria (water use-support status, suspected pollution problems and sources, etc.) and provides the user with the ability to perform custom data queries, to develop summary water quality reports, and to generate maps. New assessment information will also be periodically added to the EnviroNet database as it becomes available from the bureau's continuing monitoring and assessment efforts and other sources.

MDMB is continuing the process of evaluating and improving protocols and responsibilities for QA/QC oversight associated with field activities, data flow processes, and information management activities. QA/QC oversight activities will be coordinated by the QA/QC position with assistance from the librarian and section supervisors.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
1.0 Continue to maintain and expand an effective statewide chemical, physical and biological water quality monitoring program to provide information for water quality management decisions.	1.1 Maintain and expand a statewide water quality monitoring network to track conditions and trends at index locations and regions and provide information on cumulative effects of development activities and management efforts.	1.1A. Develop a comprehensive statewide monitoring program. Funds to support this effort are mainly 106, 604 and other federal grants.	Describe changes in statewide monitoring program made in order to conform with 106 guidelines and the 305(b) guidance.
	1.2 Expand a statewide reference site network.		Develop a comprehensive statewide water quality monitoring strategy.
	1.3 Develop a GIS based assessment tool for assessing landscapes conditions and identifying watersheds that are at risk.		Continue to develop statewide reference site monitoring strategy.
	1.4 Include the assessment of wetlands conditions.		Further develop the statewide water quality monitoring work plan and implementation schedule.
			Evaluate time trends for chemical, physical and biological water quality indicators; Percentage of index stations with improving, static or declining water quality.
			Evaluate percent of assessed waterbodies fully supporting swimming and recreation.
			Evaluate percent of assessed waterbodies fully supporting fisheries and aquatic life.
			Evaluate percent of assessed waterbodies fully supporting drinking water uses.
			Evaluate percent of assessed waterbodies that can support fish consumption.
	1.2 Monitor Flathead Lake and tributaries (7 stations 15 times per year) per agreement with Flathead Lake Biological Station.	1.2A. Renew funding agreement annually with University of Montana.	Flathead monitoring data included in Storage and Retrieval of Water Related Data (STORET) database.
	1.3 Monitor Clark Fork River and tributaries (15 stations) per agreement with Tri-State Water Quality Council.	1.3A. Renew funding agreement annually with Tri-State Council.	Clark Fork monitoring data included in STORET.
	1.4 Monitor biointegrity in Clark Fork River and tributaries 12 stations once per year) per agreement with ARCO.	1.4A. Renew funding agreement annually with ARCO.	Annual report written and presented by the contractors at a DEQ-facilitated meeting.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
	1.5 Conduct intensive surveys of suspected threatened and impaired waterbodies, in order of priority, and evaluate causes and sources of pollution.	1.5A. Conduct 303(d) waterbody reassessments and intensive surveys, as staff and resources allow.	Waterbody reassessments reflected in Years 1996 and 2002 303(d) list and 305(b) report.
	1.6 Assist and support statewide citizen volunteer monitoring of lakes and streams.		
	1.7 Improve communication and coordination between various entities in Montana that monitor water quality.	1.7A. Chair and participate in Water Quality Monitoring Workgroup of Montana Watershed Coordination Council.	Improved inter-entity communication and collaboration in water quality monitoring.
	1.8 Administer an effective QA/QC program, including developing and refining SOPs for data collection and assessment.	1.8A. Complete the revision of field SOP/QA manual.	Monitoring staff trained in waterbody assessment procedures.
		1.8B. Continue refinement of water body use-support decision criteria.	Methods described in Year 2000 303(d) list and 305(b) report.
		1.8C Fill a position in which the primary function is QA/QC for water quality monitoring.	
2.0 Maintain a statewide database clearinghouse for effectively managing and sharing surface water quality data.	2.1 Administer and enhance functionality of STORET water quality database.	2.1A. Develop, document and implement system to capture minimum field requirements for site location information, field and lab measurements associated with WQ data and migrate to STORET.	Provide STORET uploads of monitoring data not less frequently than every six months through the biennium.
		2.1B. Develop, document and implement a system to process data files from temperature loggers and import to STORET.	Integrating sample tracking with completion of STORET records.
		2.1C. Upgrade STORET to Windows 2000.	Link electronic data files with site information.
	2.2 Develop a sample tracking database.	2.2A. Finalize pebble count format and create corresponding characteristic group in STORET.	Ensure that all relevant data is loaded into STORET.
		2.2B. Enter 2001 TMDL data through STORET application interface.	
		2.2C. Develop a mechanism to capture raw macroinvertebrate and periphyton data in a STORET compatible format, and implement the system.	

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
		2.2D. Use Laboratory Information Management System format to standardize formats produced by multiple labs.	
	2.3 Administer water body Assessment Database (ADB).	2.3A. Maintain Assessment Database and enter new waterbody assessment information as it becomes available.	Use system to develop 2004 305(b) reports and 2004 303(d) List.
	2.4 Administer and enhance Internet water quality information system (EnviroNet).	2.4A. Complete EnviroNet implementation and evaluate desirable enhancements.	System operable and available to the public.
3.0 Assess water quality statewide to support decision-making.	3.1 Conduct assessments and provide reports in compliance with the Clean Water Act (CWA) and to inform the public.	3.1A. Perform a biennial statewide water quality assessment and contribute to the development of 2004 305(b) report.	Revised 305(b) lists completed by April 1, 2004. Revised 303(d) lists completed April 1, 2004.
	3.2 Review and revise the 2002 303(d) list.	3.2A. Review the current list for sufficient credible data, assess monitoring information from other sources, and identify waters requiring reassessment.	
	3.3 Increase water quality monitoring and assessment support for TMDL and water quality standards development.	3.3A. Maintain water quality monitoring stations in the Tongue and Powder River drainages to monitor for impacts from CBM, and support the Wyoming border agreement.	Information that supports TMDL development for the Tongue and Powder planning areas. Information that supports effective implementation of Wyoming border agreement.
	3.4 Increase reference site monitoring and assessment support for TMDL and water quality standards development.	3.4A. Continue the reference site monitoring project across different eco-regions in Montana. There are some specific areas that do not have reference sites and addressing these areas ahead of time will help the TMDL process.	Information that supports TMDL and WQ standards development.

2.8 WATER QUALITY POLLUTION PREVENTION

The Pollution Prevention Bureau (PPB) provides a broad range of services to protect and enhance the environment by reducing or preventing pollution and managing wastes. The bureau provides on-site analyses and advice for small business owners in meeting air quality regulations; develops and implements strategies to protect groundwater and all sources of water used for drinking water supplies, develops strategies and manages grants to improve and restore wetlands, encourages efficient transportation modes and fuels and sustainability in building design and government operations; promotes source reduction, reuse, recycling, and composting; and assists in creating new markets for Montana's waste resources and bio fuels.

Pollution prevention efforts also occur in programs operated by other bureaus and divisions within the DEQ. Therefore, this section of the PPA is not inclusive of all DEQ pollution prevention efforts.

The PPB's water quality responsibilities include implementing the Source Water Protection Program, providing assistance to local communities in creating wellhead and source water protection plans, coordinating efforts under the comprehensive groundwater protection plan, promoting wetland conservation and restoration and administering the wetland grants program, and assisting communities that may want to establish or who have Local Water Quality Districts. The PPB has provided assistance to small businesses in the area of storm water pollution prevention in the past year and because of new regulations for storm water pollution prevention. PPB will look for additional ways to include water quality assistance in its Small Business Assistance Program to the extent that time and dollars allow.

During fiscal year 2004-2006, the PPB will continue to focus on source water protection. Activities will include delineating the sources of water for public water supplies and assessing the potential risk to the drinking water supplies. These activities will be funded primarily through the Drinking Water State Revolving Fund (SRF) set-aside funds. The PPB will then take the next steps to work with communities to develop source water protection plans using the information learned in the delineation and assessments. This work with communities and public water supply operators will be conducted through this PPA.

The source water protection efforts may identify businesses that pose potential risks to public water supplies. These businesses will be identified for assistance and will be provided assistance to the extent that the budget allows.

The PPB will continue to coordinate efforts within DEQ's comprehensive ground water protection plan. The Ground Water Section of the Montana Water Plan was developed several years ago and is used in place of a separate Comprehensive Ground Water Plan. This plan was written together with the Department of Natural Resources and Conservation in 1999. It is the best overall ground water planning document for the State of Montana.

Pollution Prevention Bureau Goals: Clean Water			
Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
<p>1.0 Protect drinking water of Montana citizens served by public water supplies.</p> <p><i>By 2005, 50% of the population served by community water systems will receive their water from systems with source water protection programs in place.</i></p> <p><i>Source: Goals Report, U.S. EPA</i></p>	<p>1.1. Complete hydrologic delineation and assessment reports on 95% of Montana's public water supplies by 2005.</p>	<p>1.1.A. Complete hydrologic delineation and assessment reports with DEQ staff and contractors. Use procedures and priorities established in the SWAP plan and consistent with the State Advisory Council recommendations and EPA approval.</p> <p>Provide technical and financial assistance to PWS's to complete their own delineations and assessments.</p>	<p>Approval by EPA of Montana's Annual Source Water Protection Program report.</p> <p>Number of delineations and assessments completed.</p> <p>In accordance with SWAP DWSRF work plan, enter into contracts for local completion of source water assessments.</p> <p>Provide two or more training events per year for PWS's and contractors completing delineations and assessments.</p>
	<p>1.2. Have Source Water Protection Plans in place at 50% of the public water supplies by 2010, with emphasis placed on systems serving the largest populations.</p>	<p>1.2.A. Oversee the completion of Source Water Protection Plans by public water supplies.</p> <p>Provide technical assistance to communities in developing source water protection plans (old wellhead protection plans).</p> <p>Provide education and technical assistance on source water protection to public water systems.</p>	<p>Number and percentage of public water systems implementing programs to protect their source water.</p> <p>Train public water supply operators at 5 DEQ Operator Certification Program training events per year. Participate in 2 Montana Rural Water ground water protection training events per year. Provide SWP education to rural schools upon request.</p>
	<p>1.3. Protect source water through understanding and awareness of water supplies and potential contaminants.</p>	<p>1.3.A. Provide information to community leaders, businesses and citizens about source water protection through direct mail, workshops and site visits upon request.</p>	<p>Number of communities implementing programs to protect their source water.</p>

Pollution Prevention Bureau Goals: Clean Water			
Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
2.0 Prevent contamination and enhance the quality of Montana's ground water resources.	2.1 Implement the Montana Water Plan and its sections that pertain to water quality. <i>(This is in lieu of developing a separate Comprehensive Ground Water Protection Plan.)</i>	2.1A. Implement the activities pertaining to water quality in the Ground Water Plan chapter of the Montana Water Plan. Define authorities, responsibilities, and coordinating mechanisms for addressing identified priorities. Work internally within DEQ to incorporate pollution prevention into regulatory programs.	
3.0. Reduce human health effects from pollutants in effluents generated from small business sources.	3.1. Reduce the amount and toxicity of pollutants in storm water that reaches surface or ground water.	3.1A. Provide technical assistance to businesses to prevent pollution in storm water run off.	Number of training sessions held or individual assistance provided.
4.0 Protect and improve the water quality and function of Montana wetlands.	4.1 Increase the number and acres of wetlands in Montana and the quality of existing wetlands.	4.1.A. Increase the quantity and quality of Montana's wetlands through a multi-agency coordinated effort.	Coordinate with other state agencies and federal agencies to increase wetland mapping, monitoring and assessment, education, restoration and conservation. Administer the wetlands grants for Montana state and local governments as funded by EPA. Increase coordination and networking with public and private entities on wetland activities through the Wetland Council.

2.9 WATER QUALITY SITE RESPONSE – GROUND WATER 106

EPA Groundwater 106 funds are used in the remediation of approximately 80 Montana WQA sites that have surface and/or ground water contamination as the result of: (1) petroleum spills/releases, (2) solvents, (3) nitrates from septic systems, (4) metals, and (5) other chemicals (e.g. chlorine).

These sites fall into three major categories: (1) sites that take less than one year to cleanup (e.g., tanker truck wreck sites), (2) sites that take approximately one year to complete remedial actions, and (3) sites that require multi-year remedial actions. These sites are ranked using criteria contained on a "Priority Ranking Sheet" developed by Remediation Division Personnel. An electronic database maintains this information.

Requests for information from the public are also addressed. The program receives approximately 100 requests for information annually, regarding the characteristics of specific contaminants, what analyses are needed to verify the contaminants in soil, surface water and ground water, and, information concerning adjacent contaminated sites in relation to properties undergoing environmental assessments.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures and Indicators
1.0 Montana DEQ will clean up releases that have contaminated or could potentially contaminate state waters by implementing the Montana WQA and associated rules to require cleanup at sites with surface and ground water contamination, and with soil contamination that potentially threatens surface or ground water.	1.1 Continue project management of WQA sites with ongoing investigation and remediation.	1.1A Reduce the number of sites that have contaminated or could contaminate state waters.	Number of sites being cleaned up voluntarily or under administrative orders.
		1.1B Eliminate exposures of human and ecological receptors to unsafe contamination levels.	Number of "no further action" letters sent to sites that have been cleaned up and designated "inactive."
		1.1C Maintain existing priority site list; prioritize new sites and update site lists quarterly.	Number of new sites identified, prioritized, and assigned for cleanup oversight. Site lists will be provided electronically on the DEQ website.
		1.1D Send letters of violation to responsible parties that outline required remedial actions, and follow up with enforcement actions when necessary.	Number of letters of violation sent and enforcement actions initiated. Each new site will be sent a violation letter.
		1.1E Review various phase environmental assessments, remedial action work plans, remedial investigations and monitoring reports.	Number of active sites undergoing investigation and cleanup activities.
		1.1F Provide information about sites to the public and private concerned or affected parties when requested.	
		1.1G Conduct site inspections.	Number of site visits conducted.
	1.2 Continue to refine and implement the WQA Site Database.	1.2 Track numbers of active and inactive sites, contaminant types, monitoring frequencies, and compliance with requirements of DEQ violation letters and administrative orders at sites with ongoing remediation.	Ability of database to respond to information requests and support program management decisions.

2.10 WATER QUALITY - PUBLIC WATER SUPPLY

The Public Water Supply Section (PWSS) regulates and monitors the development, construction, and operation of all public water supplies to ensure that the water supplied to the users of the system is safe and protects public health. This is accomplished through plan reviews, sanitary surveys, water quality monitoring, technical assistance, operator training, and when necessary, compliance and enforcement activities.

Public water supplies (PWS) are facilities that have at least 15 service connections or serve 25 people per day for 60 or more days per year. The inventory of Montana's PWSs varies in number but currently includes about 668 community systems, 1120 transient noncommunity systems and 226 non-transient non-community systems.

The first Montana Public Water Supply law was enacted in 1907. This law was revised in 1977, 1979, 1991, 1995, and 1999 to enable Montana to receive and retain delegation for the administration of the Federal Safe Drinking Water Act (SDWA) (PL 93-523). The PWSS adopted and received primacy for the Total Coliform Rule (TCR), the Surface Water Treatment Rule (SWTR), the Public Notification Rule (PNR), the Phase I rule, the Lead and Copper rule (LCR) and the Phase II/V Rules. In FY 1995, the section also adopted rules for administrative order procedures and penalties.

The 1991 changes in the law allowed the PWSS to develop a fee schedule to assess service connection fees and plan review fees to recover costs of administering the law. In November of 1991, the former Board of Health and Environmental Sciences (BHES), now known as the Board of Environmental Review (BER), adopted the rules that established the assessment and collection of service connection fees. In July of 1992, rules were adopted that established the fees for plan review. A total of approximately \$582,500 was collected in FY 2002 in service connection fees and plan review fees. Service connection fee funds, state special revenue funding, and federal grant moneys fund approximately 30 FTEs.

The chemical quality of drinking water in western Montana is generally considered good. Many PWSs in eastern Montana have high levels of dissolved solids, sulfates, sodium, iron and manganese. These problems are generally not a public health threat. Many groundwater supplies in western Montana obtain water from shallow groundwater sources that may be relatively susceptible to microbiological contamination and to contamination from man-made chemicals. A few systems have exceeded the maximum contaminant level (MCL) for nitrate in the past. The PWSS has required these systems to provide bottled water from an approved source for infants and pregnant mothers, and has worked with these suppliers to achieve long-term solutions. Nitrate problems have primarily been resolved through treatment or blending with low-nitrate water. Several systems still have nitrate exceedances. The PWSS continues to work with these systems to resolve these problems. Enforcement actions have been initiated against the recalcitrant suppliers with nitrate exceedances.

Montana has several community supplies that exceed the maximum standard of 4.0 mg/L of fluoride. These systems have been required to give public notice and provide bottled water for those who prefer it. The PWSS has been working with these systems to find innovative and

economical solutions to the problem. Enforcement actions have been initiated against the recalcitrant suppliers.

Congress has authorized two new regional water systems in northeastern and north central Montana. Several public water supplies in these areas currently have outstanding violations that will ultimately be addressed through connection to these new systems. Connection to these new regional systems will occur over the next 5-15 years, depending upon the location of existing communities. Where necessary, compliance activities and enforcement actions will be utilized to ensure that proper actions are taken to protect public health and to bring these systems into compliance.

A recent work-share agreement between EPA and DEQ has resulted in a prioritization of existing unaddressed tasks. Also, EPA is providing to DEQ direct assistance and contracted assistance through Cadmus, an EPA contractor.

Refer to the matrix for the priority goals and objectives for FY 2004-2006.

LONG-TERM GOALS	SHORT-TERM GOALS	OBJECTIVES	PERFORMANCE MEASURES AND INDICATORS	
1. Modify regulatory and statutory authority.	1.1 Develop new rules and rule changes to allow effective program growth and implementation.	1.1A Adopt Long Term Enhanced Surface Water Treatment Rule.	Obtain BER approval by April 30, 2004 Obtain primacy by September 30, 2004.	
		1.1B. Prepare primacy revision applications for the Lead and Copper Minor Rule Revisions, and the Public Notice, Radionuclides, Arsenic, and Filter Backwash rules.	Accomplish during the period of this 2004-2006 PPA.	
		1.1C. Plan review fee schedule revisions.	Obtain BER approval by December 31, 2003.	
2. Minimize compliance problems through appropriate regulatory activities.	2.1 Conduct sanitary surveys of public water supplies.	2.1A Assign staff inspections.	Assign approximately 100 inspections to staff. Complete reports within 90 days, forward to system owner with recommendations for improvements, and list of ongoing unaddressed violations. Follow up on requests for system modifications.	Improve overall compliance through proactive corrective measures. Inspect community surface water systems at least once every year, community groundwater systems at least once every three years, non-community systems at least once every five years.
		2.1B Develop, monitor, and implement contracts with local departments of health.	Train county staff. Respond to requests for information, assign approx. 200 inspections, monitor progress, review reports, follow up on requests for system modifications. Monitor and reimburse expenses.	Improve overall compliance through proactive corrective measures. Inspect community surface water systems at least once every year, community groundwater systems at least once every three years, non-community systems at least once every five years.
		2.1C Develop, monitor and implement contract with consultant.	Respond to requests for information, assign approx. 200 inspections for completion each fiscal year, monitor progress, review reports, follow up on requests for system modifications. Monitor expenditures, reimburse expenses.	Improve overall compliance through proactive corrective measures. Inspect community surface water systems at least once every year, community groundwater systems at least once every three years, non-community systems at least once every five years.

	2.2 Provide for effective, efficient review of engineering plans and specifications for improvements to public water supplies.	2.2A Provide plan review by DEQ staff.	<p>Train staff, conduct regular plan review staff meetings.</p> <p>Adjust work load to allow increased plan review in the Helena Office.</p> <p>Provide approximately 250 project reviews in the Helena Office, approximately 75 in the Billings Office, approximately 75 in the Kalispell Office.</p>	<p>Ensure capacity of new community public water supplies.</p> <p>Improve compliance of existing supplies.</p>
	<p>2.3 Implement regulatory requirements for monitoring and treatment.</p> <p>Assign lead responsibility to staff members for implementation of each EPA rule.</p>	2.3A Implement TCR.	<p>Provide data review for approximately 100 samples/day.</p> <p>Provide daily follow-up on contaminated samples, monthly follow-up on monitoring violations. Report compliance quarterly to EPA.</p> <p>Determine pre-SNC compliance quarterly. Address candidates for formal enforcement action quarterly.</p> <p>The PWS Section will work with EPA to verify SNCs (SVs) within 45 days of receiving the quarterly SNC list, and refer confirmed SNCs as may be appropriate to the Enforcement Division within 90 days of receiving the quarterly SNC list.</p>	Improve compliance, reduce microbiological risks.
		2.3B Implement LCR.	<p>Review compliance data and prepare for data entry.</p> <p>Determine compliance, provide follow-up on exceedances or monitoring problems. Report compliance quarterly to EPA.</p> <p>The PWS Section will work with EPA to verify SNCs (SVs) within 45 days of receiving the quarterly SNC list, and refer confirmed SNCs as may be appropriate to the Enforcement Division within 90 days of receiving the quarterly SNC list.</p>	<p>Reduce health risks associated with lead and copper.</p> <p>Reduce corrosivity of water supplies, thereby prolonging the useful life of distribution and plumbing systems.</p>

		<p>2.3C Implement Interim Enhanced Surface Water Treatment Rule (IESWTR), Filter Backwash Recycle Rule Stage 1 Disinfectant/Disinfection Byproducts Rule</p>	<p>Review compliance data, prepare for data entry.</p> <p>Determine compliance, provide follow-up on violations or monitoring problems. Report compliance quarterly to EPA.</p> <p>Twice a year, the PWS Section will provide an updated list of systems required to filter, but not yet started.</p> <p>The PWS Section will work with EPA to verify SNCs (SVs) within 45 days of receiving the quarterly SNC list, and refer confirmed SNCs as may be appropriate to the Enforcement Division within 90 days of receiving the quarterly SNC list.</p>	<p>Reduce health risks associated with microbiological and DBP contaminants.</p>
		<p>2.3D Implement Phase 2/5 & Radionuclide Rules.</p>	<p>Review compliance data, prepare for data entry.</p> <p>Determine compliance, provide follow-up on violations or monitoring problems. Report quarterly to EPA.</p> <p>The PWS Section will work with EPA to verify SNCs (SVs) within 45 days of receiving the quarterly SNC list, and refer confirmed SNCs as may be appropriate to the Enforcement Division within 90 days of receiving the quarterly SNC list.</p>	<p>Reduce health risks associated with organic and inorganic contaminants.</p>
		<p>2.3.E. Implement CCR.</p>	<p>Review compliance data for 5-10% of reports each year, prepare for data entry.</p> <p>Determine compliance, provide follow-up on violations or monitoring problems. Report quarterly to EPA.</p> <p>The PWS Section will work with EPA to verify SNCs (SVs) within 45 days of receiving the quarterly SNC list, and refer confirmed SNCs as may be appropriate to the Enforcement Division within 90 days of receiving the quarterly SNC list.</p>	<p>Promote public understanding and involvement.</p> <p>Improve compliance through education.</p>

		2.3.F. Perform Ground Water Under the Influence of Surface Water (GWUISW) Assessments.	Identify and prioritize remaining GWUISW assessment, and provide the priority list to EPA. Assign to staff. Provide staff training as necessary.	Completion in 2006. Improve safety at system with surface water influence.
3.0 Promote public water supply compliance through education, training and technical assistance.	3.1 Provide training services to water supply owners, operators and managers.	3.1A Prepare annual METC training calendar and serve as advisory and voting member of METC.	Participate in monthly meetings to monitor activities and training needs, and to develop training calendar in consultation with other stakeholders.	Develop final calendar and distribute to public by December 31 of each year.
		3.1B Conduct two annual water schools.	Solicit input regarding training needs. Prepare training materials, including research, production and practice for a variety of technical subjects including regulatory compliance, water treatment, public health, water system construction and operation.	Obtain better compliance and public health protection through greater operator/owner awareness and technical competence. Continue to improve quality and content of training by obtaining feedback from attendees.
	3.2 Provide technical assistance to water supply owners, operators and managers.	3.2A Conduct comprehensive performance evaluations of water treatment facilities.	Plan and perform one CPE each year. Provide follow-up assistance to operators as necessary to implement CPE recommendations.	Obtain greater public health protection and facility compliance through these intensive T.A. efforts. Obtain greater operator competence and understanding.

		<p>3.2B Provide timely technical assistance for a wide variety of needs.</p>	<p>Prioritize requests based upon public health risks and compliance.</p> <p>Assign staff or contractors to each task based upon priority and staff availability. Use staff or compliance assistance contractor for requests that directly affect compliance or public health. Use staff or SRF technical assistance contractor for other requests.</p> <p>As appropriate, provide technical assistance to SNCs prior to formal enforcement action.</p>	<p>Obtain greater public health protection and facility compliance.</p> <p>Obtain greater operator competence and understanding.</p>
	3.3 Promote professional development and public education.	<p>3.3A Participate in statewide educational events, e.g. National Drinking Water Week.</p> <p>3.3B Participate in professional meetings & activities; and attend activities sponsored by industry organizations, public service groups and local schools.</p>	<p>Each staff person should attend at least one professional or industry conference/seminar for professional development and interaction, depending upon availability & funding.</p> <p>Provide educational presentations to the general public depending upon staff resources.</p>	Build public confidence, understanding and confidence through professional and educational interaction.
4.0 Provide for effective, efficient data management.	4.1 Maintain SDWIS/ state (incl. quarterly reporting of inventory, TCR, LCR, Phase 2/5, IESWTR, Stage 1 DBPs, CCR).	<p>4.1A Provide training for database staff.</p> <p>4.1.B Implement contracted services as necessary.</p>	<p>Retain SDWIS/state training contractor to enhance implementation of SDWIS/state.</p> <p>Implement full utilization of SDWIS/State through custom reports and CDS.</p>	<p>Improve program efficiency.</p> <p>Improve service to the regulated public.</p> <p>Improve reporting efficiency to EPA.</p>

	4.2 Provide accurate, timely data entry.	<p>4.2A Provide training for database staff.</p> <p>4.2B Procure contracted services for data entry.</p> <p>4.2.C Implement Electronic Data Interchange (EDI) with certified labs</p>	<p>Enter 75% of information within 30 days of receipt; 100% within 60 days.</p> <p>Obtain 99 percent accuracy of entered information.</p> <p>In the following order: Energy Lab; MT Environmental Lab; Northern Analytical Lab, AMATEC</p>	<p>Improve program efficiency.</p> <p>Improve service to the regulated public.</p> <p>Improve reporting efficiency to EPA.</p>
5.0 Provide for effective, efficient enforcement activities.	5.1 Assist Enforcement Division in formal enforcement activities.	5.1A Assist in preparation of technical justification and other case information.	Follow routine compliance, technical assistance and training procedures (as described in the PWS Section enforcement response guides) to ensure appropriate, effective and efficient case preparation.	Obtain better compliance and public health protection through enforcement and through deterrence.
		5.1B Assist in review of technical information submitted in response to enforcement requests.	Provide timely review of submitted information to ensure adherence to the requirements of the laws, rules and other conditions imposed by the Enforcement Division.	Obtain better compliance and public health protection through enforcement and through deterrence.
		5.1.C. Assist in meetings with affected parties, participate in judicial actions.	<p>Meet with system owners and Enforcement Division staff to resolve, settle, or negotiate terms.</p> <p>Participate in judicial strategy planning and court proceedings. Testify as expert witnesses.</p>	Obtain better compliance and public health protection through enforcement and through deterrence.
		5.1.D. Continue efforts with Region 8 staff to identify and implement work-sharing ideas.	The workshare report, "Report on Montana's Drinking Water Program," is complete. DEQ and EPA Region VIII are implementing the recommendations of the PWS report, and EPA and DEQ will prepare a workshare plan that delineates the roles of each agency during workshare.	Lower risks to public and threats to program integrity by reducing significant non-compliance.

2.11 UNDERGROUND STORAGE TANK (UST) RELEASE PREVENTION PROGRAM

The Technical Services Bureau is responsible for enforcement of the technical regulations for the operation and management of underground storage tanks as well as the licensing and permit requirements for the installation, modification and removal of underground storage tank systems. For SFY 2004, the program has assigned a priority status to the following work tasks:

- < Evaluate private sector inspector program success and modify the program as necessary to achieve program goals.
- < Further implement a plan to deal with tanks that are no longer in use, but that are not upgraded or properly closed.
- < Establish an educational, outreach and enforcement presence in all geographic areas of the state.
- < Continue to merge the UST-ACCESS database with other Remediation Division databases and the DEQ Oracle Enterprise system. Enhance Remediation Division database by providing actively updated database information via the internet to all interested parties in both spatial and tabular forms. Enable an intranet-based data entry capability for high-volume data entry fields.

The UST Program will also commit staff and resources to maintain the following core program work tasks:

- < Train, license and provide oversight to UST inspectors, installers and removers.
- < Simplify the UST installation permit application process.
- < Issue permits for and inspect the installation, removal, repair and modification of UST systems.
- < Conduct routine UST compliance inspections through the use of private sector inspectors.
- < Maintain and continue to improve the UST-ACCESS database.
- < Maintain funding at the authorized budget level through the collection of tank registration and permit fees.
- < Provide training and technical assistance to the regulated community. Utilize public outreach including public meetings, press releases, and public service announcements to obtain voluntary compliance. Advise and educate the regulated industry regarding compliance alternatives.
- < Participate in joint UST inspections with EPA staff for the purpose of training and consistency in application of the laws and rules.

NOTE: The following table describes the goals and objectives of the UST Leak Prevention Program in full. EPA grant funds currently support approximately 20% of the program, the remainder being provided through UST registration fees and permit fees. EPA grant funds may be applied to the accomplishment of specific goals and objectives or may be utilized as support for the accomplishment of all goals and objectives.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures/Indicators
1.0 Reduce the potential for releases of petroleum and hazardous substances from UST systems.	1.1 Provide outreach and technical assistance to UST system owners and operators.	1.1A Ensure that all UST owners and operators are knowledgeable of requirements and compliance methods.	Number of training seminars. Number of workshops. Number of responses to information requests. Number of newsletters.
	1.2 Maintain an effective inspection program.	1.2A Maintain and improve third party compliance inspection program. Make improvements to inspection review process to provide a greater degree of department oversight. Provide training opportunities to staff and licensed inspectors.	Inspections. Informal enforcement activities. Increased compliance rates. Number of new release sites decreased. Volume and severity of releases are decreased. Increase in number of oversight inspections.
		1.2B Ensure that field inspectors have the knowledge needed to make judgments about the compliance status of UST systems, the installation and operation of corrosion protection systems and the adequacy of release detection methods.	Training provided to each state inspector will include at least one week of formal instruction through third party providers, on the job training with fully trained and experienced inspectors, or on the job training with EPA inspectors, and continuing education. Training provided to each private sector inspector will include comprehensive study materials, eight hours of classroom training, and an introduction to field techniques. Testing of private sector inspectors will include a comprehensive written test followed by a field practical exam.
	1.3 Maintain an effective enforcement program.	1.3A Implement the DEQ/EPA enforcement agreement.	Number of enforcement actions. Timeliness of enforcement actions.
		1.3B Continue to utilize administrative penalty rules and other available enforcement procedures as appropriate.	Number of administrative penalties against non-compliant UST facilities. Number of other enforcement actions completed.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures/Indicators
	1.4 Maintain an effective permit program for UST system modifications and installations.	1.4A Ensure that UST systems taken out of use are properly closed.	Number of closure permits.
	1.5 Develop an effective program for addressing abandoned UST systems.	1.5A Utilize legislative authority granted in 1999 to ensure that abandoned tanks are emptied, fill pipes are capped, that a site assessment is conducted, and that costs are recovered where possible.	Number of abandoned UST systems affected.
2.0 Prevent another generation of leaking UST systems.	2.1 Maintain an effective permit program for UST system modifications and installations.	2.1A Ensure that all new installations and modifications will fully comply with applicable UST laws and rules. Modify the permitting process to ensure better UST system information is provided. Create an UST installation manual clarifying the department's requirements for permit applications. Streamline permit requirements for minor installation-related activities. Simplify post-permit submission requirements.	Number of permits for new installations and modifications. Issue manuals.
	2.2 Maintain an effective licensing and training program for UST installers.	2.2A Ensure that all installations and modifications are performed by a properly trained and licensed individual.	Number of licensed inspectors. Number of license actions. Number of training programs provided.
3.0 Gather and organize current, relevant and high quality information regarding UST systems in Montana.	3.1 Maintain an information system which accurately tracks UST ownership, facility and tank information, including operational compliance, compliance with 1998 upgrade requirements, releases and subsequent cleanup history, permits and related information and activities.	3.1A Fully implement UST-Access; upgrade to new versions as they are made available.	UST-Access will be fully implemented and will contain reliable data.
		3.1B Integrate selected UST information with related information from all DEQ programs.	Candidate information identified; Integration process underway.
		3.1C Integrate GIS and Internet technologies into the UST information management and dissemination scheme.	GIS capabilities added. Internet access will be provided.
		3.1D Participate in the state's One Stop Licensing program.	Invoicing and fee collection duties will be transferred to Department of Revenue.
4.0 Build and maintain support for a long-term UST system regulatory program.	4.1 Develop strategy to build broad understanding of the pollution prevention logic behind the UST requirements and the advantages of an ongoing regulatory program.	4.1A Coordinate with other state and local agencies, such as state and local fire officials, the Petroleum Tank Release Compensation Board (PTRCB), EPA and building code authorities.	Joint inspections.
		4.1B Enhance UST education and outreach efforts.	Pilot program for owners to test facility-specific operator's compliance manual. Number of information requests. Number of newsletters.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures/Indicators
	4.2 Ensure long-term financial support for the program.	4.2A Utilize UST registration fees to provide base-level funding for the program.	Periodically re-assess and propose legislation as necessary to provide funding for the majority of program from registration fees.
		4.2B Utilize EPA grant funds to augment registration fees for all aspects of the program.	Apply for ongoing program support through the EPA Performance Partnership Agreement and Grant Process.
		4.2C Utilize UST permit fees to support the permitting aspects of the program.	Periodically re-assess and modify as necessary permit fees to provide substantial support for permit program.

2.12 HAZARDOUS WASTE

Hazardous Waste Management Section

The Hazardous Waste Management Section in the DEQ's Air and Waste Management Bureau, Permitting and Compliance Division consists of the Hazardous Waste Permitting Unit, the Hazardous Waste Compliance Unit, and the Technical Support Section. Activities funded by the PPG come from RCRA §3011 funds. \$300K shortfall in funding for FY2004 for the hazardous waste program will be made up per agreement with EPA through two sources of money, \$124K reprogrammed from other Region funds and \$176K carryover from the 2003 Montana PPG. The money will be used to complete the work detailed in the PPA which describes the activities of the entire hazardous waste program. The money will not fund new activities, only maintain currently identified work commitments.

The Hazardous Waste Management Section has also made application for a \$93K grant from the Brownfields Site Response Program to fund to staff training, inventory Brownfields sites among identified hazardous waste generators, enhance current public record and access procedures, and conduct oversight of investigation and cleanup of RCRA Brownfields sites, if any are identified, consistent with department organization. The Brownfields grant will not be used as off-set and will not reduce the amount of PPG funding needed to run the traditional hazardous waste program (compliance evaluation, permitting and corrective action).

Hazardous Waste Permitting Unit

PROGRAM FUNCTION: To administer the Montana Hazardous Waste Act (75-10-401 MCA, et seq.) by:

- Issuing complete permits to facilities to provide appropriate protection of public health through compliance with the applicable requirements of the Act.
- Ensuring appropriate public involvement through compliance with MEPA and other public notice and public participation statutes.

PROGRAM OVERVIEW: The Hazardous Waste Permitting Unit's goal is to ensure proper management of hazardous waste that will protect public health and preserve the environment in Montana. These goals are achieved, in part, through the issuance and maintenance of permits. The permits are the tools used to establish waste management unit design, operating and inspection requirements and include requirements for facility-wide corrective action. Two basic types of permits may be issued: operating permits and post-closure permits. The program anticipates no need for further unit closures or operating permit reissuance. All corrective action rankings and assessments have been completed.

The program oversees nine facilities subject to permitting. All but one of the facilities, Flying J Cut Bank Refinery, has been issued a permit. The Unit considers the BNSF Paradise Tie Treating Plant, Flying J Refinery and Rhodia Plant facilities its highest priorities. Activities for the BNSF Paradise and Flying J facilities are reflected in the PPA. The program does not envision any obstacles in the achievement of the environmental indicators at the BNSF Paradise facility.

Several of the permitting or corrective action goals listed in the 2004-06 PPA repeat previous PPA commitments. The rollover of projects to this PPA is explained by the following:

- Flying J post closure permit issuance. Staff turnover and new financial assurance issues.
- Montana Refining Company RFI approval. Facility started second phase, probably complete during the first quarter of SFY 04.
- ExxonMobil CMS remedy selection. Facility needs to conduct additional sampling and conduct a pilot study as part of a comprehensive feasibility analysis.
- ConocoPhillips corrective measures implementation approval. Facility changed plans for implementation because more widespread contamination was found.
- Transbas risk assessment. Facility conducted additional sampling; work plan approval took more time than projected.
- Cenex Harvest States risk assessment. Facility sampling complete, in process of conducting analysis; scheduled for completion in the third quarter of SFY 04.

Hazardous Waste Compliance Unit

PROGRAM FUNCTION: To administer the Montana Hazardous Waste Act (75-10-401 MCA, et seq.) by:

- Conducting activities to assess generator compliance with applicable hazardous waste management requirements. These activities include compliance inspections, evaluation of reports, complaint response and investigation.
- Conducting activities to promote compliance with applicable hazardous waste management requirements. These activities include response to telephone, e-mail and letter requests for assistance and development of informational materials for distribution to interested persons.

PROGRAM OVERVIEW: The Hazardous Waste Compliance Unit makes timely and appropriate determinations of compliance with waste management requirements and recommends enforcement for significant non-compliance at operations that handle hazardous waste and used oil. The unit conducts up to 200 inspections per year.

The program will be available to provide assistance to EPA in their evaluation of hazardous waste generation data compiled in the Montana profile report.

Technical Support Section

PROGRAM FUNCTION: To administer the Montana Hazardous Waste Act (75-10-401 MCA, et seq.) by:

- Utilizing data management functions to provide information both internally and externally for program planning and appraisal.
- Ensuring compliance with state and federal fiscal management requirements through fiscal tracking and planning.
- Conducting program development and rulemaking activities necessary to meet statutory requirements and acquire and maintain delegation of federal environmental programs.

PROGRAM OVERVIEW: The Technical Support Section assists other sections within the Air and Waste Management Bureau in program implementation by providing necessary program development and support activities.

Hazardous Waste Management Program (RCRA) Grant Goals				
Long-Term Goals	Short-Term Goals	Objectives	Performance Measures (Resource, Conservation and Recovery Act Information System [RCRAInfo] Codes for Key Measures of Success) and Indicators	
1.0 Safe Hazardous Waste Management.	1.1 Ensure proper management of hazardous waste to protect public health and preserve the environment in Montana through timely and appropriate determinations of compliance with waste management requirements and compliance assistance.	1.0A Ensure compliance with permit conditions to protect public health and environmental resources.	Conduct at least one compliance evaluation inspection at each permitted treatment, storage or disposal facility (TSDF) as determined by the compliance monitoring strategy. Inspection results will be used to determine if additional inspections are warranted.	95 percent of TSDFs operating in significant compliance per year. Quantity of hazardous waste managed at each TSDF by TSDF per year. Indicator source is RCRAInfo.
		1.0B Ensure hazardous waste generator and handler compliance with applicable rules to protect public health and environmental resources.	Conduct compliance evaluation inspections for handlers and generators as determined by the compliance monitoring strategy. Inspection frequency will be based upon compliance history, knowledge of the waste streams generated, an evaluation of the environmental setting, and the length of time that has transpired from the last inspection.	85 percent of hazardous waste handlers and generators operating in significant compliance per year. Indicator source is RCRAInfo.
			The DEQ will develop an annual compliance monitoring strategy. The DEQ will implement the CMS based upon the contingencies outlined in the document.	Submitted to EPA by 7/1/03.
2.0 Closure/Post-Closure and Operating Permits.				
		2.1A Post-Closure (PC) and Operating(OP) Permit Activities - Demonstrate progress toward PC and OP permit program goals, objectives, and activities that reflect state PC/OP priorities.	Key measure of program success are final PC/OP permit determinations / issuances (PC/OP200), supported by permit call-ins (PC/OP010), and permit applications received (PC/OP020).	Flying J (PC200). Montana Refining Company (PC010 – reissuance) DEQ does not anticipate any new PC/OP permit call-ins or applications. Indicator source is RCRAInfo.
3.0 Corrective Action (CA).				
		3.1A Corrective Action Pipeline - Demonstrate progress towards achieving corrective action	Emphasis should be on high-ranked facilities. Key measures of program success are: RFI	Flying J Cut Bank Refinery (CA 100). Montana Refining Company

		pipeline program goal objectives and activities that reflect state priorities.	imposed (CA100), RFI approved (CA200), remedy selection (CA400), CMI work plan approval (CA500), CMI construction completed (CA550), and corrective action process completed (CA999), supported by other RFI, CMS, and CMI activities.	(CA 200). ExxonMobil Billings Refinery (CA400). ConocoPhillips Billings Refinery (CA500). Indicator source is RCRAInfo.
		3.1B Environmental Indicators - Document Results of Stabilization Efforts at High-ranked facilities through Key Environmental Indicators.	(1) Number and percentage of high-ranked handlers in the "subject to corrective action universe" that have current human exposures under control (CA725); and (2) number and percentage of high-ranked handlers in the "subject to corrective action universe," with ground-water releases under control (CA750).	BNSF Paradise Tie Treating Plant. Indicator source is RCRAInfo.

PROGRAM IMPLEMENTATION/PARTNERSHIP MEASURES

Authorization -The DEQ intends to maintain a fully authorized Hazardous Waste Program by pursuing timely and complete authorization of new rules through its annual incorporation by reference of the latest CFR and progress towards overall authorization goals. DEQ will schedule its adoption of the new CFR to coincide with the publication of the new volume, generally within the first quarter of the SFY 03. The program will provide data for StATS reports on a quarterly basis. EPA will review and approve authorization applications as quickly as possible.
Corrective Action - EPA staff will be available for consultation with DEQ staff. DEQ will notify EPA when it conducts Corrective Action site visits. EPA will provide technical assistance and oversight. EPA will maintain Corrective Action lead at the ASARCO-East Helena Smelter pursuant to a Federal Consent Decree and Rhodia pursuant to RCRA §7003 Order.
Data Management -The DEQ intends to maintain timely, accurate and complete data in RCRAInfo by insuring that a) data are in RCRAInfo by 15th day of month following activity; and (b) data accurately and completely reflect the status of the RCRA handler universe. This includes all key measures of the closure/post-closure, operating permit, corrective action, and compliance monitoring & enforcement components of the HW program, at a level sufficient to support program planning and evaluation efforts and provide complete and accurate information for internal planning and oversight and the public.
Public Involvement - Involve public as required by statute, regulation or MOA. Includes a system to respond to requests for information, complaints or public concerns.
OTHER ACTIVITIES
Program Guidance/Agreements - With EPA, the DEQ will jointly develop and maintain MOA, EA, Quality Assurance Plan, and other operating guidance. The DEQ began drafting a revised MOA, using the model Region MOA in SFY 03.
Program Communication - The DEQ will maintain communication with EPA on routine matters, program changes, legislation, resources, emergency situations, and other key activities described in the MOA. Examples include final decisions regarding variances/waivers, enforcement actions, Biennial report summarization, final permits, etc.
Resource Levels - The DEQ will maintain staff resources (numbers and occupational skill mix) and funding.
Financial Accountability - The DEQ will account for grant dollars.

CERCLA Offsite Rule – The DEQ will assist EPA in its inspections of facilities subject to the Offsite Rule by sharing information and accompanying EPA staff on inspections, when DEQ staff schedules allow.

Training - The DEQ will develop and implement staff training plan which results in well qualified staff and ensures that mandatory training needs are satisfied. EPA will provide training for sampling and basic/advanced inspector skills-

2.13 RADON

DEQ will continue to provide radon information and technical assistance services that meet EPA program guidelines. Funding under the State Indoor Radon Grant agreement also provides radon assistance through partnership efforts with county health departments.

DEQ will deliver information through the Montana Radon Hotline (1-800-546-0483). The telephone number is published on laboratory radon test reports mailed back to Montana residents, and instructs the recipient to call for more information. Telephone assistance on the hotline has increased and is expected to continue to grow. In addition, the department will provide the National Environmental Health Association (NEHA) National Radon Program list of *Certified Radon Measurement Professionals and Certified Residential Mitigation Service Providers* to Realtors, business owners, and the general public.

DEQ will continue work to promote greater awareness of radon issues in new construction by focusing training and education efforts on contractors and homeowners in the new construction market. Public information outreach will include participation in home shows to promote radon resistant construction practices in new construction. A limited amount of advertising will be placed in trade journals such as the Montana Building Industry Association (MBIA) newsletter and membership guide booklet. DEQ will also work closely with MBIA to make their membership aware of radon issues and options for reducing risks in new and existing homes. Code officials throughout the state will also be educated on the importance of building homes with RRNC features. However, the current state of the building industry in Montana will make it hard to encourage and adopt the Radon Appendix F in the CABO Code. The homebuilding industry is very focused in the near term on not increasing any costs associated with building a new home, including radon control method construction costs.

The DEQ has been providing training in energy-efficient construction techniques to Montana homebuilders for 11 years. Training programs on energy-efficient housing have been well received by contractors and owner-builders. DEQ radon education activities will be incorporated into our existing builder training workshops and general education efforts. This approach will allow the department to broaden its on-going education effort.

Builders will be instructed on how radon enters the home, on compliance with the Montana Radon Control Act (real estate disclosure statement), and on appropriate radon reduction construction techniques for different housing types. The training will focus on getting builders to voluntarily adopt radon resistant construction techniques to reduce radon levels in new homes.

Montana has a radon disclosure statement for all purchases and sales of real property. While the current Montana Radon Control Act requires a disclosure statement about the health risks of radon in buildings, there is no requirement for radon testing prior to a real estate sales transaction. DEQ will work with the real estate industry to encourage more radon testing be done prior to sales transactions. Testing for radon is often not encouraged because test results may complicate the sale of properties with high radon levels. Education efforts in the past have made a difference and some Multiple Listing Service agencies are now listing radon systems as a line item in the house listing.

Education will be directed at local real estate groups, at the agency level, and through statewide meetings of real estate professionals. The department will also work with real estate professionals to educate them about the health risks of radon and radon control options with new home construction. Department staff have received approval from the Montana Board of Realty Regulation to offer a radon

training course that is eligible for Realtor continuing education credits. The current radon training course is approved for four hours of continuing education credits.

The department will continue to support partnership efforts with county health departments to provide radon awareness and assistance. County programs provide a variety of radon services in their communities, such as free or low-cost radon test kits, public outreach programs directed at consumers, building industry and other local health-related agencies. In 2003 the department has provided grants to four of the largest counties for local radon program services. This effort may be expanded to other fast growing counties if funding allows during the period 2004 - 2006.

DEQ will maintain a high level of coordination and cooperation between state and EPA staff to assure successful and effective administration of the program. Coordination includes evaluation of desirable technical support and targets for joint efforts.

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures	Indicators
1.0 Raise awareness of radon as a health issue in homes from the current level to 90% of Montana households by 2005.	1.1 Continue radon education efforts with homeowners, building trades and Realtors.	<p>1.1A Operate and support Montana Radon Hotline 800 number.</p> <p>1.1B Distribute the EPA list of certified Measurement and Mitigation Service Providers listed with the Radon Proficiency Program.</p> <p>1.1C Complete the project to develop radon test results into web pages and radon maps.</p>	<p>Increase usage of the Radon Hotline by 10%.</p> <p>Number of homes that have been tested for radon.</p> <p>Number of homes that have taken action to reduce the level of radon in homes with radon levels above 4 Picocuries.</p>	<p>Tracking of calls logged.</p> <p>Survey results of radon risk awareness and actions taken by the public.</p>
2.0 Radon Resistant New Construction: Adoption of Conference of American Building Officials Code, Appendix F - Radon Control Methods.	2.1 Increase awareness and acceptance of radon resistant construction techniques with builders and code officials.	<p>2.1A Work with building officials, builder organizations and other building industry interests to voluntarily adopt radon resistant new construction (RRNC) practices.</p> <p>2.1B Work in cooperation with county Radon programs to provide RRNC assistance to building departments and builders.</p>	<p>Increase awareness of radon among builders and methods to reduce risks in new construction.</p> <p>Number of builders who build with RRNC features.</p>	Number of builders who adopt RRNC as a standard building practice with new home construction.
3.0 Radon testing and mitigation done with all real estate transactions.	<p>3.1 Increase the number of real estate transactions that have radon testing.</p> <p>3.2 Increase the number of homes that undertake mitigation before or after a real estate transfer is completed.</p>	<p>3.1A Conduct outreach and education efforts with Realtors on the importance of radon testing with real estate transfers.</p> <p>3.2A Work in cooperation with county radon program partners to provide assistance and outreach with Realtors.</p>	Percentage of Realtors or real estate agencies that encourage and ask for radon testing to be done in conjunction with any real estate transfer.	

Long-Term Goals	Short-Term Goals	Objectives	Performance Measures	Indicators
4.0 Radon Partnership Efforts: Develop coalitions and partnership efforts which increase radon awareness and reduce radon risks in new and existing homes.	4.1 Encourage programs and efforts which provide radon services at the local level.	4.1A Provide financial and technical assistance to county health departments that develop radon education and assistance programs.	<p>Public outreach efforts on radon conducted by county staff and real estate groups, building trades and the general public.</p> <p>Radon test kits and assistance provided to county residents.</p> <p>Outreach and assistance on RRNC provided to building development, builders, and owner-builders.</p>	Number of homes that have been tested and mitigated in counties with radon grants.

2.14 ENFORCEMENT

The MDEQ Enforcement Division (ENFD) is responsible for the management of the Department's formal enforcement activities. EPA and MDEQ have signed a unique Cooperative Consolidated Enforcement Agreement to standardize targets for timely and appropriate enforcement and to establish a communications protocol for the exchange of enforcement information. Penalties are calculated by ENFD using penalty rules, and department or EPA policies, depending upon the authorizing statute. EPA computer programs are used to calculate the economic benefit component of a penalty and to analyze a violator's ability to pay. MDEQ generally follows EPA's guidance for use of Supplemental Environmental Projects to mitigate penalties.

ENFD is the Department's complaint clearinghouse and is responsible for the investigation of citizen complaints that allege violations of environmental laws administered by MDEQ. Spills and releases of materials that may threaten the environment are also investigated by ENFD staff. ENFD develops enforcement policies and procedures and maintains a database to track citizen complaint and enforcement information. Enforcement information is disseminated to DEQ and EPA through regular reports, and is available to the public on the ENFD web page.

Long-term Goals	Short –Term Goals	Objectives	Performance Measures and Indicators
Encourage compliance with Montana’s environmental laws and regulations through effective and efficient enforcement.	Manage a complaint clearinghouse to respond to citizen complaints and spills.	Investigate complaints/spills to validate whether a violation has occurred, follow-up and close the violation.	Validate complaints within 30 days and close within 60 days.
		Refer complaints to EPA and other agencies for media or programs where DEQ does not have authority.	Refer complaints within 10 days.
		Coordinate with EPA on response to petroleum spills that may be subject to the Oil Pollution Control Act.	DEQ provides timely response to minor petroleum releases to state waters. EPA coordinates with DEQ on response to major releases of petroleum to waters of the U.S.
	Standardize enforcement procedures.	Follow DEQ Enforcement Response Manual (ERM).	Identify and make changes to ERM as needed. Update ERM by Spring 2004.
		Conduct enforcement in an efficient manner and in accordance with the timely and appropriate targets specified in the Consolidated Cooperative Enforcement Agreement.	Track timeframes and report to EPA anticipated exceedances. DEQ documents in writing, where appropriate, decisions on penalties, including economic benefit calculations. Meet with EPA annually to evaluate CCEA pilot project.
	Propose legislation to improve enforcement	Form study group of stakeholders to draft legislation to simplify enforcement procedures and increase penalty authority.	Study group meets and drafts legislation by Fall 2004. Legislation introduced during 2005 Legislature.
	Update or develop DEQ penalty policies.	Develop a generic penalty policy to standardize penalty calculation process for Air Quality, Hazardous Waste, Asbestos, Junk Vehicle, Solid Waste, Opencut and Metal Mine Reclamation.	EPA reviews and comments on draft policy. Finalize by Fall 2003.

Long-term Goals	Short –Term Goals	Objectives	Performance Measures and Indicators
	Coordinate enforcement actions with EPA for delegated programs.	Exchange information on proposed and ongoing enforcement cases in accordance with communications protocol described in Consolidated Cooperative Enforcement Agreement.	<p>Monthly meetings between EPA Montana Office Administrator, DEQ Director and DEQ Enforcement Division Administrator to exchange information on proposed and ongoing enforcement cases. Refer cases to EPA as appropriate.</p> <p>Bimonthly meetings with ENFD, EPA and PCD program staff to discuss significant violations and DEQ’s enforcement response under the Water Quality Act, the Montana Clean Air Act, the Asbestos Control Act, Hazardous Waste Act and Public Water Supply Law.</p> <p>Provide EPA copies of final Orders and Demand Letters.</p>
		Evaluate the success and utility of the Consolidated Cooperative Enforcement Agreement.	EPA and DEQ monitor the functionality of the CCEA and prepare a report for EPA Headquarters that contains recommendations for modification and extension of the agreement. Fall 2003.
		Develop a standard format and timeframe for reporting case information to EPA.	<p>Work with programs on database development and implementation to link state enforcement data to federal databases. Ongoing effort.</p> <p>EPA negotiates with DEQ to develop additional reporting requirements.</p>
		EPA conducts annual oversight reviews of enforcement and may conduct program-specific audits. EPA provides written results to Montana.	<p>EPA conducts Unified Enforcement Oversight System review annually during January – March. DEQ and EPA meet to discuss UEOS review results and necessary modifications to program procedures during April – June.</p> <p>EPA will review up to 100% of DEQ’s enforcement cases initiated and resolved during the previous year for timeliness, appropriateness, and penalty calculation.</p>
		EPA provides training.	<p>EPA provides training on penalty calculation, BEN models and other procedures when available.</p> <p>EPA Region 8 will benchmark the use of innovative enforcement tools with other states.</p>
		EPA provides technical assistance.	DEQ consults with EPA staff as appropriate to request technical assistance related to appropriate enforcement and penalty calculations.

Long-term Goals	Short –Term Goals	Objectives	Performance Measures and Indicators
	Efficiently manage enforcement information and statistics.	Store complaint/spill and case information in a database and update database as soon as possible. Produce reports to facilitate management and monitor performance.	Produce reports for internal management and monitoring of complaints and enforcement cases and for the programs, department management, other agencies and the public. Develop program-specific reports where needed to aid in entry of enforcement data into EPA databases.
		Update database software from Advanced Revelations to Oracle to make database more user-friendly.	Update data in database to meet FITS requirements and standard naming conventions. Contract for programming to develop automated entry of data from complaint and enforcement request forms Implement by Winter 2003.
	Conduct short-term planning.	Conduct enforcement and planning under an agreement with EPA.	Follow current Performance Partnership Agreement, update and renegotiate PPA in Spring, 2003 for 2003-2005.

CHAPTER 3 FISCAL AND GRANT CONSIDERATIONS

3.1 INTRODUCTION

This chapter describes the FY 2004 allocation of available EPA resources under the PPA. Table 3.1 provides a list of elements consolidated into the single PPG.

The PPG allows the allocation of EPA grant dollars within or across media and programs. It provides the state with more flexibility to invest some of the federal grant dollars in innovative capacity building initiatives such as pollution prevention, compliance assistance and assurance, customer service, data integration, community-based and environmental justice strategies. It will also enable the state to target more federal resources to its most serious environmental problems.

3.2 BACKGROUND

The NEPPS allows states to propose goals and objectives based on state environmental problems and priorities. In April 1996, Congress enacted an Administration proposal which authorizes Performance Partnership Grants (PPG). The PPG plan increases state flexibility in reallocation of federal environmental grants. The PPG feature of the NEPPS allows states to receive a consolidated environmental management grant in lieu of several categorical program grants. Total availability of grant dollars and Montana's cost share requirement are the same under the consolidated grant as it would have been using categorical grants.

The NEPPS allows Montana flexibility to consolidate certain grant resources into a single PPG. Montana and Region VIII used the latest guidance in drafting the 2004-2006 PPA.

3.3 REVENUE SOURCES AND RESOURCE ALLOCATIONS

Resources for the environmental programs within DEQ come from multiple sources. These include state general funds, cash funds from permit, license, and emission fees, and various federal grants from several agencies. The PPG represents the total shown in Table 3.1.

DEQ has identified several program grants for inclusion in the 2004 PPG, which refers to the period of July 1, 2003 through June 30, 2004. The estimated federal dollar resources and cost share associated for all EPA grants; i.e., including indirect cost charges, are summarized in Table 3.1. This table does not include federal grants from other agencies or other program specific resources that are entirely beyond the scope of this PPA.

The EPA and department funding for the Hazardous Waste Program has been supplemented by state Resource Indemnity Trust (RIT) funds. The state special revenue from this trust fund enabled the DEQ to fully fund the department's hazardous waste work plan. As the RIT funding decreased in the past two years, the DEQ requested increases in the annual federal grant to make-up for the loss of RIT funds. This has enabled the Hazardous Waste Program to continue operating at its current level, without realizing a decline in services.

In the case of competitive grants, the state may develop and submit a proposal for approval by EPA Region VIII or EPA Headquarters for the particular competitive grant program. For others, EPA and the state may renegotiate and revise the goals and program commitments in the current PPA as necessary. For each additional award made during the year, an appropriate amendment to the PPA will be made to

reflect and account for the additional funds and work to be conducted. Upon approval of additional funds, Montana will submit a formal grant amendment to request additional funds in the PPG and EPA will amend the PPG award to include those funds.

3.4 FINANCIAL MANAGEMENT AND REPORTING

The PPG states that PPG recipients must maintain accounting and financial records which adequately identify the source (i.e., federal funds and match) and application of funds provided for PPG activities. Montana maintains records that contain relevant information such as obligations, unobligated balances, outlays, expenditures and program income.

DEQ and EPA are agreeing to open a new PPG for SFY 2004 and 2005. The 2004-2006 PPA work plan will cover the two-year PPG. For multiple year grant awards, federal regulations require submittal of annual financial status reports. These interim reports are due by September 30 of each year.

TABLE 3.1 SFY 2004 ESTIMATED FEDERAL PPG RESOURCES BY PROGRAM					
PROGRAM	FY 04 FEDERAL PPG	FY 04 STATE PPG	FY 05 FEDERAL PPG	FY 05 STATE PPG	
AIR	1,145,401	763,601	1,164,973	776,649	
AIR SUPPLEMENTAL	67,790	45,193	67,770	45,180	
GROUND/SURFACE WATER	1,883,718	59,783	2,191,305	59,783	
HAZARDOUS WASTE	357,264	119,088	357,264	119,088	
PWSS	1,104,700	368,233	1,104,700	368,233	
UST	187,500	65,500	186,283	62,094	
RADON	34,500	34,500	34,500	34,500	
TOTAL	4,780,873	1,452,898	5,106,795	1,465,527	
FY 03 CARRY-OVER	519,282	161,654	-	-	
EPA INKIND - CONTRACT SERVICES	327,000	-	-	-	
TOTAL	5,627,155	1,614,552	5,106,795	1,465,527	

CHAPTER 4 OVERSIGHT AND ASSESSMENT

4.1 BACKGROUND

Although a number of programs are delegated to the state, EPA remains responsible and accountable to the President, the Congress and the public for progress toward meeting national environmental goals and for ensuring that federal statutes are adequately enforced and federal funds are spent appropriately. EPA thus has the responsibility to oversee the conduct of delegated, inter-governmental programs in order to ensure that adequate protection is being provided across the country. In addition, EPA has the responsibility to conduct evaluations of state performance under assistance agreements (grants) to ensure that they are being utilized to achieve national goals, requirements, and mutually-agreed upon state and EPA priorities.

4.2 FEDERAL OVERSIGHT UNDER THE NATIONAL PARTNERSHIP SYSTEM

Under the new system of partnership, greater emphasis is being placed on performance-based evaluations, differential oversight and greater participation by the state in evaluating performance and determining solutions. In doing so, the focus of oversight is on identifying and solving problems and taking action, where appropriate, in order to deliver more effective and efficient environmental protection. Such an approach necessitates a continuing strong EPA presence, a workable state-EPA relationship, and continuous dialogue and communication between EPA and the state.

Performance-Based Evaluations

EPA is placing greater emphasis on state performance in achieving overall program results and accomplishments and less on the completion of individual products or activities. In doing so, EPA and the state have developed clear goals, objectives and performance measures to clarify requirements and expectations and the criteria for success. This framework is found in the individual program work plans. The performance measures include both outputs to be completed (activities and products) and outcomes to be achieved (results). In determining overall performance, both the measurement of outputs and outcomes is necessary in determining the level of success in accomplishing the goals and objectives. Efforts are increasing to balance the use of output and outcome measures and to focus evaluations on the effectiveness and results of the work accomplished.

State Involvement

A system of partnership also stipulates greater state involvement in the evaluation process. The state is increasingly becoming involved in its overall program evaluation by identifying problems and solutions and working with EPA in determining its level of performance and the appropriate level of EPA oversight.

4.3 TYPES OF OVERSIGHT

Oversight is broadly defined as the combination of activities conducted by EPA to ensure that state programs adequately meet delegation requirements and fiscal responsibilities.

EPA oversight consists of a variety of approaches:

Base Program Wide reviews - The base oversight activity will be an annual program-wide review conducted jointly by DEQ and EPA. The major component of this review is a formal assessment of the state's performance in meeting commitments contained within the PPA. However, as part of EPA's

oversight responsibilities, additional information on the implementation of delegation requirements may also be gathered to determine overall performance.

The intent of this review is to assess the overall performance of programs and systems. More in-depth reviews of specific activities may be conducted on a limited basis to examine potential or ongoing problem areas.

After-the-fact reviews - After-the-fact reviews, for example, reviewing completed permits, inspection reports, and enforcement actions, will occur periodically as part of EPA's oversight role. These reviews occur throughout the year to track progress and to ensure that delegation requirements are being met and federal statutes and regulations are being enforced. After-the-fact reviews will be the focus of EPA's ongoing oversight rather than case-by-case intervention. The number of after-the-fact reviews will be limited and will be at a level commensurate with state performance.

Real-time review - This involves reviews of state work products that are under development, for example, draft permits or closure plans. These reviews should be timely and only used on a selective basis to address programs with less than adequate performance or in cases where the state may request assistance.

4.4 EVALUATION PLAN: ANNUAL BASE PROGRAM-WIDE REVIEW

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the PPA, it is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the PPA may also occur as part of the program-wide review.

Principles

Below are guiding principles to be followed by DEQ and EPA in performance evaluations:

- < EPA and the state will use the PPA as a management tool to continuously track the progress of work accomplished.
- < The work plans contained within the agreement act as the vehicle for expressing performance expectations under the PPA, forming the fundamental basis for awarding funds and annually evaluating state performance.
- < The performance measures contained within the work plan matrices are the criteria which will be used to report on and evaluate the progress of achieving the goals and objectives in the PPA.
- < The state will implement and follow all negotiated delegation requirements, whether stated in the PPA or not, to ensure adequate protection of public health and the environment. Review of delegation requirements will be part of the annual evaluation.
- < The state and EPA should engage in joint analysis of identified problems to determine their nature, cause and the appropriate solutions.

- < Throughout the project period, the state and EPA will communicate to each other immediately any problems or issues identified and will work together to address them or escalate them to top management.
- < The state and or EPA will immediately communicate any necessary changes to the PPA. These changes may result from a change in priorities or incorrect assessment of work to be accomplished or new funding for additional work. The change must be sent to the EPA State Program Manager and approved by the appropriate EPA program.

Final PPG rules require a joint performance evaluation process (see 40 CFR §35.115). Nationally, EPA is placing more emphasis on clearly defining the joint evaluation process. The EPA Montana Office proposes that in 2004, DEQ and EPA specifically define the joint process for Montana.